IMT Nuremberg Archives

H – 968

International Court of Justice

H0968 – 0001

COM A

Ahuna
Take 1, Page 1
20 June 46
10:00 - 11:30

57

Spelling of Carpathian on p. 12 & 13

Ask Miss Cook if there is anything further after the question on page 57.

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4, OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

20 June 1946

(The Commission convened at 10:15 hours)

COMMISSIONER:

Capt . Joseph Tubridy

O . K. W.

FIELD MARSHAL VON RUNDSTEDT, the witness, took the stand and testified as follows:

H0968 - 0002

CROSS EXAMINATION - Resumed

CAPT. TUBRIDY: The witness is reminded that he is still under oath.

WITNESS: Yes.

BY DR. KEMPNER:

Q I want to come back to the question concerning the oath. If I understood you correctly yesterday, you stated that before 1914, that is, the year 1892 or during that time, you made an oath to the King of Prussia, but in 1919, an oath to Mr. Eber, and later one to the Field Marshal Von Hindenburg. After that, you made an oath to Adolf Hitler.

A Yes, four oaths all together.

Q I now repeat this oath to you, and I want to ask you if you did not make this mistake in your statements, that you did not give an oath to Eber and Hindenburg personally, but to the German Republic.

A It could be that I made a mistake there.

H0968 – 0003

Q And I will ask you whether, after that period, Hitler ordered that a personal oath be taken to him. To make this clear, I will now read this xxxx oath to you, the oath of the Reichswehr which you gave after 1918 is as follows. I quote the Reichs Federal Register, 1919, page 1928. Would you please read this oath and tell me if that is the correct oath?

A Should I read it aloud?

Q Yes, please.

A "I swear that I will conduct myself as a brave and honorable soldier, and will give my whole power to the defense of the German Reich and my home state at any time and at any place, and to defend the Government by the people and that I will obey my superiors."

Q Is that right?

A Yes.

Q After Hitler's rise to power, you made another oath, and at that time the Reich President, Von Hindenburg, was still alive. I ask you now, if this oath is correct. It is taken from the German Federal Register, 1933, page 1017. Would you please read that oath aloud?

A "I swear by God this holy oath that I will serve my people and country truthfully and readily as a brave and obedient soldier, and will be xxxx at any time ready to give my life for this xxxx oath."

Q Is that right?

A I have to add something to this. I can remember still on whose side the former oath of the old German Kaiser was because at that time, as an adjutant, I gave this oath to many recruits and these two oaths I remembered through reading this register. May I add something.

H0968-0004

Q Please.

A You stated before that the oath to Hitler was given while President von Hindenburg was still alive. That is not the case. That is not true.

Q That is a mistake on our part.

A May I continue?

Q Please do.

A When Hindenburg died, I was in Obersdorf, on a furlough, and was ordered to Tannenberg for the funeral. After the funeral I returned to Obersdorf. Later on I was sworn in by Col. Gen. Von Fritsch personally, and at that time von Hindenburg was already dead.

Q I am coming to this point now. The two oaths which you have just read mention the Republic, and did not mention the Chief of State, did it?

A No, not according to the wording of this oath.

Q And now we come to the oath which you gave after the death of Hindenburg. I now present this oath to you and ask you if this is correct. Was this the oath?

A "I swear by God this holy oath that I will give absolute obedience to the leader of the German Reich and people, Adolf Hitler, the Commander in Chief of the Army, and that I will, as a brave soldier, be ready to give my life."

Yes, that was the oath that was given by the German Army.

Q Isn't it correct that through this personal oath Hitler wanted to chain the Army closer to him?

A Yes, one could conclude that from this oath.

Q Did he have a special reason for this?

A I think that you can look for the reason of this oath in the Roehm Putsch in 1934 which almost removed Hitler from power. He was looking for a group which would be true to him and that was the Army because it is well known that the Army was true to its oath.

H0968 - 0005

Q Then I come to a new paragraph. Would you please try to set yourself back to the time of the August days of 1939, when Hitler made this speech at Obersalzberg. That was on 22 August 1939. You were there personally during that speech?

A Yes.

Q Who were the other generals that were there with you?

A If I remember correctly, there was the Commander in Chief of the Army Group North, the Commander in the West at that time was General Von Ley, also our chiefs of staff -- mine was General Mannstein -- and the various other officers. Then there was also present Goering with his usual company, the then Foreign Minister Ribbentrop who was supposed to leave immediately for Moscow.

Q In other words, the gentlemen were the commanders in chief of the Army with their staffs. Is that right? Was that the group as such or were there any others present? I am only interested in the military; I don't care about Ribbentrop and so on.

A There were the three commanders in chief for the East and one for the West.

Q Were Halder, Brauchitsch and Blaskowitz there?

A I don't remember. Halder and Brauchitsh possibly, but Blaskowitz definitely not.

Q In other words, it really was the higher military authorities?

A I don't want to use that term when speaking of this group of men, but there were the various commanders who met there; there were the various field officers who were supposed to be in charge of this Eastern campaign.

Q Isn't it true that these gentlemen were there for the very reason that they had these ranks and were being prepared for this campaign?

A These men that were there were in more or less prominent jobs. That is, any Army group commander which might have been designated for the job would

H0968 - 0006

have been present. If I, for instance, would have been sick, my deputy would have gone there to represent me. One other reason for our going there was that we went to discuss the latest map plans concerning this Eastern campaign with Hitler. May I add something to this?

Q Yes.

A I want to state that at that time I was an inactive officer and had only been recalled for the Polish campaign. At that time, therefore, I was not the Commander in Chief of the Berlin headquarters, but it was under General von Bock.

Q The group about which we are now arguing -- I use the word group because of the following differences -- if I understood you correctly, you mean to say that these groups were not made up of names, but they were composed by men because of their duties. In other words, no matter who they were, if their duties [redacted] enclosed this campaign, they were there. For instance, if General von Rundstedt was sick, it was his representative who represented him on this campaing. Am I correct?

A I mean to say that in this meeting there were 5 Army groups. Group 1 - Berlin; Group 2 - Kassel[redacted], which was later moved to Frankfurt; Group 3 - Dresden; Group 4 - Leipzig; and Group 5, Vienna. These commanders for General Von List and General Von Reichenau were not present [redacted] while I, an outsider, had been called in [redacted] for a particular job. That is, as far as I remember they were not present.

Q Isn't it correct that these individuals, or these groups of individuals, worked on the plans which had been ordered by the leaders at that time?

A No, this order concerning this campaign [redacted] which went from the Fuehrer at that time was worked out by the commanders in chief of the armed forces, General Von Brauchitsch and General von Reichenau and we, as group commanders, received our instructions and active zones from these but only so far as it concerned sectors

H0968 - 0007

in which we were interested. According to the orders which we Army group commanders received, we gave out the orders to the individual armies that were under our command. During this conference, all this was told the Fuehrer again.

Q I want to ask you a question about a concert. Did you ever go to a concert?

A Yes, often.

Q Isn't it the same idea as a concert, one plays the violin, one the piano, and still others play different instruments, but they all have to get together under the director. Isn't it the same with the Army?

A If we want to go into concerts, it would be about the same. You had one man directing, and that was the Fuehrer. Under him was a second director who just used the same movements as the first director, the Commander in Chief of the armed forces, and under him were his instruments, 4 violins playing, each playing a different note. Therefore, you would not have various instruments, but the same instrument.

If you add, for instance, the airforce to it, then you would have a third instrument, a cello, and the Navy, a trombone, but you would not have more than 3 different instruments.

Q Concerning something else, something which you said. You said once that until the preparations of the French campaign, Adolf Hitler had never messed into the preparations of these campaigns. Is that correct?

A I want to state that I expressed this differently. I said that Hitler did not intrude upon my plans. That is, he did not, for instance, tell me to move this division to a different spot, a spot other than the one I had designated, as he did later on I am sorry to say. If he messed into the affair affairs of the unhappy commander in chief of the armed forces, that I don't know.

H0968-0008

Q Isn't it true that until a certain time Hitler had very great respect for the Army leaders and knew that the people were able?

A It could be but I think there is a deeper reason. I believe that from the people surrounding him he was talked to so often that after that he considered himself the greatest field commander and then decided that he would do everything.

Q But I am asking you a question concerning the year 1939. You admit, don't you, that at that time, Hitler still considered the Army leaders as being very able?

A I stated that that was correct.

Q In other words he knew at that time that the men with the red stripes were able and knew that he could not mess into their affairs, is that right?

A Yes, that is correct.

Q Did it change later on?

A Yes, it changed in the winter of 1941 when he became commander in chief of the armed forces personally.

Q That was after the beginning of the Russian campaign?

A That was during the Russian crisis of the heavy winter in ~~1941~~ December, 1941. May I add something concerning Hitler's messing into our affiars?

Q Please.

A For instance, during the Western campaign in France, Hitler stopped my armored division of my army group and the result of that was that the British were able to escape from Dunkirk. That was a very big mistake of a commander. He stated that the reason for this was that in the second phase of the French campaign, that is the driving South of France, that he did not want to wreck these armored divisions needlessly. How angry we leaders were at that time is indescribable.

HO968 - 0009

Q In other words, I want to ask you now, a historical question. If it would have been without Hitler and if it was under your leadership, the Army Commanders, you would be in England by now?

A No, I would like to state that but I am sorry I cannot say that. I think it would have been completely impossible to land or to invade England. We did not have the ships, we did not have the necessary trained men for the necessary loading, and then there was no German fleet or ships that could compare with the British fleet. In addition to that, our airforce was much too weak. No, an invasion of England would never have succeeded. The main point was that in order to drive towards England, first the French had to be beaten, which still, at that time, had not been done.

Q Isn't it true, do you agree with me as I have stated it, that if it had not been for Hitler, you gentlemen would have made out one hundred times better later on?

A I want to say that if England had lost its field Army at that time, England would have finished the war and the peace, the following peace, would have been on a basis that would have been more favorable to us.

Q In other words, Hitler lost the war, is that right?

A In the German papers, I am sorry to say it is written differently now.

Q But you believe that I am correct with my statement? Does that conform with yours?

A Yes, on the whole I agree.

Q I now want to deal shortly with the famous Barbarosa meeting. That was the second conference of the military and the political leaders, is that correct?

A It was the same thing again. That is, receiving orders as it was the first time. It was a briefing of the commanders, and the air commanders were present, also the Army group commanders, but I don't think that the Navy commanders

H0968 - 0010

were present at that time.

Q Witness, please don't misunderstand what I am going to say now. I want to say this beforehand. We are here in a scientific conversation concerning certain matters. I am here as an American prosecutor, however, I want for a moment to take the part of a German General Staff Officer as far as I can. Please don't misunderstand me, but I am amazed to hear that the higher leaders and the Army commanders only received orders. Don't you want to change that a little bit? Don't you want to add a little bit to it instead of leaving it the way it is? The way it looks now it seems that all these gentlemen were puppets.

A It is not the least bit different from the old times, the times of the Kaiser. We, the Army command, were only the second step. The orders came from the Army supreme command above which was the Kaiser and they were passed down to us and we, of the lower commands, distributed them to the men amongst us.

If there were some other opinions or some other proposals than those opinions or proposals which existed during the time of the Kaiser, which at that time was in the hands of the chief of staff, and during Hitler's time it was in the hands of the Supreme Commander of the Army, but never in the hands of an Army Group Commander. If you want to put it that way, a little harsh, the men under Kaiser, at that time, were the same kind of order receivers as we were under Hitler. Something that the Kaiser would not have done but that Hitler later did was to give direct orders to the regular Army.

Q In other words, after what you have told me today, I have to change my opinion of the German General Officer Staff to such a way that the Commanding Generalwas a sort of letter carrier. Is that what you want to say, or is that only concerning the political side of the question?

H0968 - 0011

A I have to leave the opinion to the Prosecutor. I don't see anything shameful -- any actions of us generals as soldiers. We did our duty, and whether or not you want to consider us as letter carriers, that remains up to you.

Q Was that also the fact with the political situation or was it only concerning your own work?

A The political situation was no business of the Army Commander. The Army officer or the Army man only did what he was told by his superior officers. Whether these duties were small or large depended on the rank of the man, but they were all basically the same. I believe it is the same thing in every Army of the world, because I cannot think of any Army existing under any other conditions.

Q Didn't Hitler orient the Army leaders in regard to the political situation before the Polish campaign?

A Hitler made these political statements every time he issued these orders to the General Staff without giving us a chance to check on these statements or to scrutinize them closely. Whether or not he was just giving us a briefing I don't know. The same thing was done, as you may know, when the Kaiser, in 1914, before the beginning of the war, stated that the countries forced him to enter the war. The Kaiser spoke from the balcony to the German people, while Hitler used other means.

Q When the Russian campaign started, you were Commander in Chief of the Army group South, is that correct?

A Yes.

Q You stated you were an order receiver?

A Yes.

Q How long did this last, in the case Barbarosa, and also in Berchtesgaden? How long did you personally speak with the Fuehrer, you, the Commander of the Army Group South?

A Concerning the Polish campaign, the discussion was in Berchtesgaden, and

H0968-0012

concerning the Russian campaing, it was in the headquarters near Berlin.

Q Was it not in the Reichs Chancellory that he talked to you concerning this?

A I believe that it was this bomb proof headquarters near Berlin, near Wuensdorf.

Q How long did it last with you? I believe it started at 1100 in the morning and the Silver Fox matter was discussed?

A What is the Silver Fox ?

Q That is the name of an operation with which you did not have anything to do.

A The discussion concerning my leadership of the Army group according to the orders I received from the Supreme Commander of the Army only lasted a few minutes.

Q You made a speech as you had intended to do, didn't you?

A Yes. I showed him on a map, that I had this and this duty and I was going to do it in such a way, this army is going to do this, andthis army is going to do that.

Q Who, of the other gentlemen, were with you at that time when you made this speech?

A I don't know whether this was the first or second discussion. I know that at one time I was there with all my army commanders, That was the time when this terrible commissar order was issued,and if I remember correctly, the other Army commanders also showed their duties of their corps on this map.

Q In other words, you showed him how a thing like this was supposed to be done. Did he give you any orders concerning this?

A Hitler did not ask any questions, however I stated two questions. One of them was that between the Army group Rundstedt and the Army group Bock

H0968 - 0013

there was a hole of almost 100 kilometers. That was the area of the Rocketno swamps which were supposed to be impassable for troops. I stated, at that time, that from the experience I had in the East in the last war, that it would be possible to operate in the Rocketno swamps if we had artillery like the Russians had. I therefore proposed that some troops be posted through these swamps. That was one position.

The second question was concerning the fact that it was well known that powerful Soviet forces were facing the Carpaten mountains near Hungary. All these troops had to do was to make a right face or start marching and they would head right into my right flank of my center Army. I proposed to at least let a few divisions march from Hungary over to the Carpaten mountains.

Q In other words, you told them what you considered right?

A A completion of the plans in the presence of the commanders of the Army staff is more appropriate.

Q I want to say something here. I found in the files of the general staff a note that you were at this conference for two hours. That is, from 1200 to 1400.

A If you knew Hitler, you would know that if you discussed any military matters with him, right in the middle of your discussion he would start talking about the proposed considerations for a new armored car . He would get off on an altogether different plane, but the actual discussion only lasted a few minutes.

Q Did he approve of your suggestions?

A No. That was impossible because not enough forces were available, and because the Hungarians were later found out to be only very weak supporting forces. What

H0968 - 0014

I did then, through redio deception, was to have an Army march into the Carpaten (Carpathian?) mountains. On the other hand, the Russian Army, which was in the Rockytnc swamps, did give me quite a bit of difficulty.

Q I have only two more questions to this topic. In other words, let's go back to this point. If Hitler did not agree with your suggestions, you considered it imperative that you carry them out yourself?

A Only if the Supreme Commander of the Army agreed and if the force s were available. I never could have changed the plan of operation .

Q In other words, I do not want to use the bad word here again, the technicians, the people who made these plans and proposals were indispensable to the point that without them Hitler could not have done anything?

A Yes, that is why every President, why every chief of State has his armies and their general staffs.

Q One last question concerning this theme. You knew the Field Marshals Blaskowitz, Brauchitsch and Halder for many years? Are these men honest men, and if they say anything under oath, do they kep their oath?

A That is certain.

Q Thank you.

A I know that there is a statement , I believe Halder and Blaskowitz furnished statements, but they contained the wrong idea.

Q I have no further questions on this topic. May I say that I have only a very short time, and if you think that after the recess I could continued on the war crimes situation, then I would suggest that we recess now?

CAPT TUBRIDY: Very well, we will recess for 10 minutes.

(A recess was taken.)

H0968 - 0015

Q I now come to a very unfortunate chapter and I want to discuss that with you in the same scientific manner that I discussed the previous questions. On the 18th and 19th of October the famous orders concerning the Commandos were issued. Do you know of these?

A Yes, in October 1942, after the Dieppe matter.

Q In talking about these Orders I refer to 498-PS and 503-PS and I am now giving you photostatic copies of these two documents.

(Documents handed to witness.)

You remember that you received these in October of 1942. Am I correct?

A Yes, that is when the orders arrived.

Q Did you carry out these orders, that is, to hand these people over to the SD, or not?

A There was a quiet kind of sabotage and none of these people, as far as I know, were ever handed over to the SD; and because after the action Sarck of which I spoke yesterday, there was hardly any further commando activity.

Q In other words you sabotaged the matter and didn't do anything?

A Yes, quietly and in connection even with the SD in France, which worked loyally there. I might add that shortly before the invasion we requested that this order be ~~xxxxxx~~ rescinded. Especially concerning paratroopers the question was there whether or not a paratrooper who lands far behind the lines and destroys an electrical station, whether he is a commando or not because these actions could be very important or have a very great effect in military matters.

Q Did you receive an answer to that?

A The result was a new Fuehrer Order which, if I remember correctly, contained a map giving certain border lines in back of which the men were

H0968 - 0016

to be considered commando troops while in the other sector they were to be ~~xxxxx~~ considered fighting troops.

Q And then you were answered that "No, the commando order will remain." Is that correct.

A If I remember correctly there was an entirely new order which gave directives as to where they were considered commandos and where considered fighting troops, concerning special battery headquarters, field headquarters, and so on.

Q But principally it was the same.

A Yes, it probably was.

Q I believe I have here in this Exhibit, it is USA Exhibit 551

(Document handed to witness)

Now I have another question, which is a conscience question. How do you connect this ~~xxxx~~ what you call "sabotage" with the oath you gave to Hitler. I really would like to know the connection of this.

A I stated yesterday already that we could have better results by more or less quietly sabotaging this order than by a direct protest. Maybe sabotage is the wrong word. I don't see any violation of oath; if you want to take it very strictly, then perhaps a question of disobedience and whereupon fines or punishments could be applied which he had threatened to do.

Q Did you tell the higher authorities that you were not going to carry this out, or did you say you were going to carry it out, or didn't you tell them anything?

A I did not have to tell them anything. These authorities were Army Leaders. I personally was Commander-West and was not obliged to tell them anything, but as far as we learned through other channels, these people were

H0968-0017

of the very same opinion, down to the very troops.

Q Under #4 of the last document that I have presented to you, I unfortunately read the following: "Commander-in-Chief West has to report on this daily."

A Then evidently an erroneous report was made every day for we were given no such orders to report. This matter of handing over reports and reporting was not my concern; that was the concern of my staff. I should have heard probably if such people had been apprehended.

Q Now I have unfortunately found another thing here. I refer to Document #531 and I quote the first sentence in German: "Reference the Fuehrer's Order. Subject: Treatment of Commando Men. The treatment of enemy commando groups has so far been carried out according to the order referred to." Headquarters maintains that you did carry out this commando affair. Is that correct or not?

A I should like to re-state what I already stated yesterday, that the Commando Order applied to the whole of Europe, Italy too, and I can only repeat that I do not remember any such case of Commando Order being carried out in my Command West.

Q But this document does not refer to Europe but to your Command Sector.

(Document handed to witness.)

A It probably was, as I already said. On the whole nothing was carried out but things may have happened here and there. On the whole the order was sabotaged. In case you wish to draw any conclusions here it would perhaps be advisable to interrogate my Chief of Staff, Blumentritt, who is also here in prison. I want to say that I did not really concern myself with everything and I am quite open when I say that I did not concern myself with this

H0968-0018

but of course I do take the responsibility.

Q Do you mean to say that you assume the responsibility even if, let us say, 100 such cases occurred in your Sector?

A If any cases occurred it could only be a matter of two or three.

Q But in case we can prove that several hundred took place?

A I should put my life at your disposal.

Q Thank you. That is all.

CAPTAIN TUBRIDY: Do the Russian Prosecution wish to cross-examine?

COLONEL POKROVSKY: I should like to ask a few questions of the witness.

BY COLONEL POKROVSKY:

Q Yesterday you said that you were always surprised that Hitler was not skilled in the art of warfare. Is that correct?

A I was not surprised for where was he supposed to have learned this?

Q Do you mean to say that Jodl and Keitel were sufficiently instructed as to the art of warfare?

A Yes.

Q Would it be correct for me to assume that Jodl and Keitel had had better training in the art of warfare than Hitler?

A Yes.

Q Are you aware of the fact that Jodl and Keitel declared on the witness stand that Hitler instructed them in the art of warfare?

A I should like to assume that this is a misunderstanding. I cannot believe that any educated officer of the General Staff is of such opinion.

Q I am of the witness's opinion. I just wanted to clarify this point.

H0968 - 0019

If I understood you correctly yesterday and if I have taken my notes down correctly, you said that the German Army always kept within the limits of the rules of warfare?

A I added to this statement that if any excesses and offences did take place, severe action was taken against the offenders and the files of the military courts, which you gentlemen have at your disposal, will give you information on these matters.

Q Would you confirm that respect for the bravery and courage of the enemy was one of the highest laws of warfare?

A A chivalrous warfare with due respect to the enemy has always been the correct thing in waffare as long as the world has existed.

Q Do you remember that there was a 60th Motorized Infantry Division within the German Army.

A If this is proved by documents it is probably correct. I do not know these hundreds of numerical divisions.

Q If I am not mistaken you were stationed in the South when Germany attacked Soviet Russia?

A Don't you mean the 66th Division? The tank division of Kleist?

Q We will discuss the previous question later. I would like to ask another question of you now. Were you stationed in the South when the attack of Germany against Soviet Russia began?

A Yes, I was Commander-in-Chief of Army Group-South.

Q Do you remember that in this Army Group there was an infantry regiment, No. 203?

A No, I don't remember. Please bear in mind that I had under my command 4 armies, with so and so many divisions and regiments, and I

H0968 - 0020

can't bear all these numbers in mind. But if you show it to me on your documents, it is probably so.

Q I realize that you had command of very many troops and regiments but I thought perhaps you remembered this one. I asked this particular question because yesterday you said that perhaps you had been mistaken for General von Reichenau.

(Witness handed document.)

I ask you to turn to pages 75 and 78, concerning the 60th Division and Infantry Regiment 203. These are extracts from a Note by Molotov. This document has already been presented to the Tribunal in evidence and been accepted as Exhibit USSR 51.

A I repeat that this document is known to me from the material which has been presented here as testimony and evidence but I once more repeat, under oath, that I did not and could not have issued such an order as Commander-in-Chief of an Army Group. I was not issuing orders to Divisions or Regimental Commanders as such a Commander-in-Chief. This mine affair could only have taken place in the vicinity of Kiev where the 6th Army was stationed. I should be glad if the original documents could be presented to me.

Q I beg your pardon, I forgot to read the extract. In Order 109 to Infantry Regiment 203, it says "The Commander-in-Chief of the Army, Field Marshal General von Rundstedt ordered that outside of the battle actions in order to preserve German blood, mines are to be searched for by Russian prisoners of war and minefields are to be cleared by them. This also refers to German mines." The second extract is from an order to the 60th Motorized Infantry Division. The number of the document is 166/41 and in the document it says: "Russian soldiers and non-commissioned officers are very brave ~~it~~ in

H0968-0021

battle, even when a single small unit would always go over to the assault. Therefore humane behavior conduct towards the prisoners of war is to be allowed." In this connection I should like to ask one further question of the witness.

DR. LATERNSER: I am sorry that I have to interfere but I should like to make a motion that the original documents be submitted to the witness because he as Commander of an Army Group cannot possibly remember all these orders in detail.

CAPTAIN TUBRIDY: Dr. Laternser, he was asked if he knew of these orders and I think the intent is now being made to refresh his recollection, to see if he does not know about them. They have not been presented to him in view of the fact that he did not know. Do you follow?

DR. LATERNSER: The best way of refreshing the witness's memory would be by submitting the original documents to him.

COLONEL POKROVSKY: I should like to say why we are not submitting the originals of these documents which were captured by us. According to Article 21 of the Charter such documents may be submitted and we do not have Molotov's note with us in the original because we did not know they were to be presented here in the original.

CAPTAIN TUBRIDY: You may continue with the cross-examination. If you have a document there which you say is a copy of the original and the original has been put in evidence, you may submit the duplicate on cross-examination. You can ask the witness if he knows about it and attempt to refresh his recollection with it. I don't see how his recollection can be any better refreshed with an original than it would with a duplicate.

COLONEL POKROVSKY. Thank you. I shall continue the cross-examination.

H0968 - 0022

BY COLONEL POKROVSKY:

Q I should like to ask another question in this connection. I think you will know of this for it is an order by Hitler himself. This is also an extract from Molotov's note. The order, issued by the OKW in the name of Hitler on the 2nd of January, runs as follows:

"Any indulgence and any consideration towards prisoners of war is to be punished severely."

Do you remember this order?

A I cannot remember this order and do not remember this order because in January of that year I retired and handed my command over to someone else. This order is of February 1942. Referring again to the previous question, I should like to state that this order was issued by the Commander-in-Chief of an Army. I was Commander-in-Chief of an Army Group and no military office would have issued an order in the wording as quoted here by the Prosecution. I would know just as little of it, because I was not concerned with any matters dealing with this Group, just as little as I was dealing with affairs of the 6th Army Group. I should like to beg you not to ask me any questions pertaining to the time after my retirement because I am not able to give any information concerning that period.

Q Do you remember the instructions issued by the General Staff concerning the fact that prisoners of war were to be treated humanely?

A I do not know that any special instructions as to this were issued because this is a matter of fact.

Q The German General Staff issued these instructions in the year 1902 and these instructions may be found in a book called "Customs of War in Army Warfare." Do you know of this book?

A No.

H0968 - 0023

Q Is it new to you that prisoners of war have to be treated humanely?

A I already stated yesterday that in the German Military Service Regulations the instructions concerning the treatment of prisoners of war as laid down by the Red Cross were printed and that all our officers, recruit officers and so on, were particularly instructed as to the treatment which prisoners of war were to receive.

Q Would you not say that the order of which we have just spoken is in contradiction to the Military Service Regulations of which you have just spoken?

A Which Order is referred to?

Q The Order which says that all humane behavior concerning prisoners of war is to be reproved and reproached.

A This is absolutely inadmissible and contradictory to any usage if such a thing was stated in that order.

Q I assume that this question has been settled now. If I am not mistaken, soldiers and officers of the Propaganda Company were counted as soldiers and officers of the Army. Is that correct?

A What do you mean by Propaganda Company?

Q I refer to companies that were under the immediate command of Jodl and Jodl was Chief of Propaganda in the OKW.

A In that case they would have to be counted as army soldiers. I thought you referred to information about Mr. Goebbels.

Q We do not care to know who commanded these troops and how these troops were administrated. We should like to know whether these troops were considered as army troops or not.

A Unfortunately I cannot give any information about this. It would be better to ask Mr. Jodl.

H0968 -0024

Q Jodl has already been interrogated on this point and he has given his testimony but it is important to know if such a company existed within the OKW.

A I am not able to give any information at all concerning the organization of the OKW because I do not know this.

Q We will now pass to another question. When did you first learn of the fact that Soviet Commissars and Political Leaders were to be exterminated or annihilated? This refers to Document 884-PS.

A May I see the document?

(Document is handed to the witness.)

As far as the document is concerned it is not an Order but a notice of a lecture of the person concerned as consultant in this matter. Concerning this order I testified in detail yesterday concerning the attitude and the and the objections and the execution or, let me say rather the "not carrying out" of this order and I should like to ask you not to question me on this Commissar Order of the Fuehrer again today unless you are going to submit a document which I mentioned and aside from which I cannot add anything else.

Q You are right when you say that you testified in detail concerning this order yesterday but I should like to draw your attention to one point of your testimony. Statements in your testimony yesterday were not quite exact and I should like to clarify them today. I explain this by the fact that you do not remember these orders in detail and for this purpose I should like to refresh your memory. You said yesterday that these measures were carried out as reprisal measures in answer to atrocities which the Soviet Commissar were alleged to have allowed to be carried out.

A I did not say one single word about this.

H0968 - 0025

Q I should like to remind you that the Germans were even shown the photographs. Do you remember this? Hitler is supposed to have shown the generals photographs.

A No, I do not remember. That is not correct.

Q The matter can be checked up by reading the minutes of yesterday's testimony.

DR. LATERNSER: May I help? The testimony that has just been quoted refers, as far as I remember, to the testimony witness gave concerning the Commando Order but not concerning the Commissar Order. I do not believe that I am mistaken.

A The Commissar Order of which we spoke yesterday was issued before the outbreak of war and therefore it is impossible for any atrocities to have been committed by the Commissars at that time.

Q That is why I wanted to treat this question once more. The misunderstanding may have been caused by bad translation. I am particularly interested in this question because at the foot of the document there is a note by Jodl which says that this action has to be considered a reprisal measure.

(Document is handed to witness.)

And as you said, it could not be a question of reprisal as no war had been started at that time. Jodl admitted that this note was written by him.

A I can only repeat that during the conference with the Fuehrer no mention was made of reprisals and in this document it only says "as reprisal against aviators has to be counted on." This document submitted here I should like to repeat once more is only a summary of a report and whether any written order, either by Hitler or the OKW, was ever issued as a final

H0968 - 0026

draft after we had been told orally about this matter, is not known to me. It would, however, be interesting to know what the wording of such an order was, if it was issued. But even if it had been issued in writing it would not have changed our attitude of objection towards it.

Q I am grateful to you for having confirmed that such instructions by Hitler did exist and shall explain whether written order existed or not. Do you remember the name of Franz Halder?

A Halder was Chief of the General Staff of the Army.

Q Do you remember the name of General Warlimont?

A Warlimont was at that time a young Officer of Staff in OKW.

Q Do you remember the name of of Kurt von Oesterreich.

A No, that name is not known to me.

Q I should like you to read Document USSR 341.

(Document is handed to witness.)

This document contains extracts from the testimony of Franz Halder. The document has been submitted to the Tribunal and accepted in evidence. Please read only the passages marked, in order to save time.

A Halder is supposed to have said that -- I don't know.

Q Did witness read the passage which I stated above was the Order and stated that "I wish these instructions to be carried out even if in the future no written instructions to this effect would be issued."
Will you now please turn to the extract of the testimony of General Warlimont who is known to you. Here again the same order is concerned about the destruction or extermination of Commissars. Hitler also added that he did not expect his officers to understand his orders but one thing that he did demand was absolute obedience. Here not the draft of a young consultant or young officer is concerned but the Order of Hitler. Is that correct?

H0968-0027

A I only said that the photostat copy was the draft made by a young officer and not this. The heading says "Suggestion." I do admit that such remarks by Hitler as were just read were made by him at that conference, I do remember that exactly. And I do remember exactly the Commissar Order and our objections to it.

Q Please look at the testimony given by General Kurt von Oesterreich, Page 5, USSR 151.

(Document is handed to witness.)

Here the inhumane treatment of Soviet Prisoners of War is treated.

A I am sorry, this testimony also treats of the time after I left. I retired on December 1, 1941, and the incidents referred to here concern the winter of 1941-1942. I do not know how prisoners of war were treated at that time and cannot make any statements concerning them.

Q Perhaps von Oesterreich made a mistake concerning the time. He said that the conference had taken place in the OKW, saying that those prisoners of war who were unable to work were to be poisoned by the aid of doctors and he testified that he himself had seen how this was executed in the Ukraine. Do you know about this or not?

A No, I am not informed on this; as I stated yesterday, affairs of prisoners of war were the concern of the Armies of the rear lines and departments of the Reich. The Inspector of Prisoners of War at that time was a Graf von Schulenberg and Oesterreich must belong to a later time. The question of prisoners of war taken by the army at the front was treated by me yesterday. Also the question of transport and the question of starvation or hunger, which could unfortunately not be prevented. Once the prisoners of war were transported outside the Sector of the Army, the Army no longer

H0968 - 0028

had anything to do with them but they fell under the jurisdiction of other authorities. This does not change the fact, however, that if the events depicted by von Oesterreich were true they were contrary to Regulations.

Q Do you know that the Chief of the OKW, Keitel, declared that the OKW was not responsible for conditions existing within the Stalags and that for all these matters of prisoner of war camps the Army Commanders were competent?

A I am not informed on this point and cannot give any information. I do know, however, that Stalags in Germany were under the command of the deputies of the Commanding Generals.

Q. If I understood you correctly yesterday you testified that the Generals sabotaged the Commissar Order and the Commando Order because they were not in accord with these orders. Is that correct?

A Yes, that is correct.

Q Do you know that before the outbreak of war the officers issued instructions to their soldiers as to how the Commissar Order was to be carried out?

A I do not know anything about this.

Q Will you please look at this document?

(Document is handed to witness.)

This document contains testimony of prisoners of war given to the Red Cross. In this testimony the officers state that before the outbreak of war they received instructions to be handed down concerning the treatment and the extermination of Soviet Commissars, treatment of Soviet prisoners of war, and that these prisoners themselves had seen how they were mal-treated.

H0968 - 0029

A. I cannot give any information. I can only say that I, as Commander of an Army Group, did not receive any such instructions that Soviet Commissars were to be executed. I do not know how the procedure was in the Armies.

(A recess was taken until 1400 hours.)

H0968-0030

(THE COMMISSION CONVENED AT 1400 HOURS.)

CAPTAIN TUBRIDY: We can resume now.

BY COLONEL POTROVSKY:

Q In order to finish the questions concerning the Prisoners of War, I want to ask two further questions on this matter. General Oesterreich stated that at the time General Rundstedt was in command, the Soviet Prisoners of War were marked with a certain mark?

A I do not know anything concerning this.

Q Did you ever hear of such an order?

A No.

Q Do you know of a directive concerning which the Soviet Prisoners of War to be fed less than other Prisoners of War?

A No, I know nothing concerning this.

Q Then I am going over to another series of questions. Did I understand the witness correctly yesterday when he stated he was responsible for the defense of that line which was from the Baltic Sea to the Danube?

A This line concerning which I talked about, which was after 1920, started up a t the Baltic near Stettin and went along the Oder down to the mountain ranges of the Sudetenland, then to Passau on the Danube - in other words entirely within Germany.

Q Until what year were you in charge of this?

A Until the year 1935.

Q In other words before the defensive wallwas built?

A Yes - that was only a frontier guard - only an advance post more or less.

H0968 - 0031

Q How many divisions were within this line of defense.

A Three of four.

Q Were you informed as to what this defense system was before the beginning of the war?

A At that time, before the beginning of the war, there was a very weak defensive system along that border and a little more to the east, consisting mostly of small field fortifications. The line was from Pommerania to Silesia along the Rivers Warthe and Oder. That was the end of my area and another one started, which went through the Sudeten mountains down into Bavaria.

Q Will you advise as to how many divisions Germany had at the beginning of the war?

A There was a total of 36 division and after the annexation of the Sudetenland, we added one or two more. In other words in 1938, we had about 38 divisions and in addition we had three or four armoured divisions and two motorizeddivisions. There were also some divisions in Austria, but I do not know how many. I cannot give any exact information. That is what I remember.

Q In other words the witness admits that divisions were slowly being deployed to the Russian border?

A There is a mistake here. These defensive positions in the east were only manned by the troops of the divisions and army corps, which were stationed in that area. There was not a single soldier especially recruited to those defensive divisions. ~~To explain this, I wonder if it is clear to you, Miss, as since you are not a soldier it is very hard to explain to you.~~

H0968-0032

Q I don't want to know or to talk about why the divisions were there or what kind of divisions were used for the defense of this line to man this line, I want to derive from your statement that more and more divisions and troops were used for these defenses.

A As I had stated yesterday, Adolph Hitler in the declaration of our soverignty listed the number of divisions in the German Army as 36. It was to that number we built up the Germany slowly. After the occupation of the Sudetenland, there were one or two more divisions added and after the occupation of Austria, there were one or two more added. The cavalry divisions, which we were allowed to have under the Versailles Treaty were dissolved and changed to armoured divisions.

Q The witness said that the number of divisions was large?

A Yes, a small number through the addition of these two countries - that is the Sudetenland and Austria.

Q The witness admits that these calvary divisions were dissolved and that armored divisions were instituted in their place?

A Yes.

Q If I am not mistaken, the witness stated yesterday that the action against the Soviet Union was combined with the use of additional armored divisions?

A I stated yesterday that after the question of my defense lawyer as to the Russian campaign, I stated Russia had a large number of armored vehicles. I wanted to add that on the occasion of the Polish campaign a number of so-called reserve divisions were used and mobilized and even a larger number against France. When the Russian campaign started a larger

H0968-0033

number of divisions were used than the original 36. I hope that is clear.

Q I wrote down yesterday during the questioning that you stated a strong armored force was used on the attack on Russian Do you want to change your statement now?

A I did not make a single statement yesterday concerning my own units which were used on the attack on Russia. I only answer a question of the defense lawyer concerning the Russian units that opposed us. I was not asked concerning what units were used on our side. I did not make a single statement. I would like you to ask the defense lawyer if my opinion is correct.

Q I don't want to get into an argument concerning this point since it is very easy to check on the daily transcript, however, I would like to remind you in what connection this statement was made. The defense lawyer asked you yesterday in connection with the destruction of cities and the destruction of whole areas. The witness agreed yesterday that in the beginning the destructions by the Russians in their own territory was very small and only became stronger as the campaign went on. For instance in the case of the city of Saporoshje. Now, do you remember a lightning thrust of armored vehicles?

A I do not know what I am supposed to remember - a lightning thrust or flash of armored vehicles, where?

CAPTAIN TUBRIDY: Can you make your question more clear and - give the place and date?

BY COLONEL POTROVSKY:

H0968 – 0034

Com. A.
Take 3-Pg. 5
Meehan
20 June
VonRundstedt.

Q The witness stated yesterday that the fighting in the beginning against Russia was in a manner of fast armored thrusts.

A That is not correct. I stated that in the beginning the defense of the Russians was rather weak and increased only in strength with the advance into Russian territory. I did not say a single word about our armored units. That is a misunderstanding, otherwise, I would like to explain if necessary our first actions.

Q The defense lawyer was interested yesterday concerning the destruction of cities. I wouldlike to add to these questions a few of my own.

Do you know of a directive of the OKW according to which all cities left by the German Army in retreat were to be destroyed, that is made like a desert and that even the houses of peaceful citizens and civilians or their stoves had to be blasted. Do you know that before the High Tribunal Jodl said he had knowledge of this order?

A What this directive was, I do not know. It must have been issued during the German retreat - that is after the winter of 1941 and 1942. It would have been clear insanity to destroy cities and blast stoves in homes during the advance when these houses and cities were in our own area. I left on September 1, 1941 and wish to state that up to then there had been no such directive.

Q The witness said yesterday that in 1938 Germany had a sufficient number of heavy artillery and that Germany only was lacking the manpower to use these heavy artillery pieces.

A That must be a mistake in the translation. I said that we had enough heavy artillery pieces for the heavy artillery.

H0968-0035

Q What we are concerned about is that Germany had a sufficient number of heavy artillery pieces.

A For the number in the army at that time. As new divisions were formed and as time went by, as I explained before, of course new artillery pieces had to be constructed.

Q The witness stated that he was present in Berchtesgaden when the question of the German campaign against Poland was discussed?

A Yes.

Q Therefore you are informed of what conditions in the campaign against Poland were finished.

A The war against Poland had not even started at that time.

Q Do you know when and under what conditions ~~xx~~ the war against Poland was ended. What do you know about the conditions of capitulation in Warsaw in 1939. Do you know anything concerning this?

Q The battle for Warsaw, which was very hard and resulted in very heavy casualties on our side, was ended when after breaking through the defenses of the outskirts, the city was handed over to us by a Polish General and as far as the terms of capitulation of the entire Polish campaign was concerned, I believe there was some kind of an agreement between Germany and Russia as to the border lines which were drawn up which went through Litowsk, Presmystl and Westley and along some of the rivers, Sann, Bug, etc.

Q I am interested in the capitulation, the agreement. Tell me everything you know about it. Are you informed concerning this?

H0968 – 0036

Com. A.
Take 3-Pg. 7.
Meehan
20 June
Van Rundstedt.

A The city of Warsaw fell, the Polish army were Prisoners of War. Some of the Poles were able to escape to Romania and were demobilized there. There was an unconditional surrender about the same as Germany received at the end of this war, otherwise I do not know anything.

Q Do you know that according to Keitel's statements, he was against an attack of war against Russia and he went to Hitler to advise Hitler against such a campaign.

A I absolutely believe that Keitel just like the rest of us sincere generals were against war or an attack against Russia. Whether or not he protested to Hitler I do not know as at that time I was in France.

Q Do you consider General Von Paulus as a qualified man who is able as far as the arts of war are concerned?

A General Von Paulus too was a chief of staff of the army in the Polish campaign under my order. In addition, at the beginning of the war, he was with the general staff of the army. I consider him a smart man who understanding something concerning military operations. Whether or not he was qualified as an army leader, I do not know as he was not an army leader at the time he was under me.

Q Do you know that Field Marshall Paulus denied that the war against Russia was a defensive or preventive war?

A I do not know that.

Q If you believe that if the chief of the general staff had correct information concerning the strength of his troops, do you believe that he would have given to Hitler this information and informed him concerning this.

H0968 - 0037

Com. A.
Take 3-Pg. 8
Meehan
20 June
VonRundstedt.

A I cannot make any statements concerning this. It could be, however, that a Soviet attack was expected and he could have said, I will meet this Soviet attack and then defend myself.

Q I believe you misunderstood me, so I repeat. Keitel claims that he went to Hitler in order to advise him not to start a war against Russia. Would you say that if General Keitel had received behind the lines information ~~through the German espionage~~ that the Russians were bringing troops and material to the border in order to start an aggressive war, do you think that Keitel would have gone to Hitler and reported this.

CAPTAIN TUBRIY: There are apparent assumptions in the ~~This is a hypothetical~~ question, ~~and you do not have to answer it.~~ question.

THE WITNESS: I would like to answer that.

CAPTAIN TUBRIDY: ~~We must get on with the proceedings~~. There is not much ~~real~~ value to a question which is more or less of a hypothetical nature. There ~~is nothing definite to~~ doesn't appear to be anything here to show that such a thing occured.

COLONEL POTROVSKY: I give this question large importance because the defense lawyer interested himself yesterday concerning the character of the war against Russia and the witness answered to the questions of the defense lawyer and stated that it was his belief according to the information received through the Japanese Military attache in Berlin the German Supreme High Command that the war against Russia was of a preventive character. It seems important to me that this question be cleared up.

CAPTAIN TUBRIDY: Perhaps we can ~~Please~~ phrase ~~your~~ the question so it won't be contingent on whether something had occurred or not ~~taken place or did not take place~~. Would you Ask the question again? ~~and maybe I can rephrase it~~.

36

H0968 — 0038

COLONEL POTROVSKY: The witness stated yesterday that he was informed that Russia was preparing to attack Germany and that according to the information which Germany possessed Russia actually was contemplating such an attack. He stated that supposedly that information was received through the Japanese ~~xxxxxx~~ Military Attache in Berlin. Don't you think that it is strange that if Germany possessed such information concerning a proposed Russian attack that the chief of the OKW would not go to Hitler so as to advise him against an attack on Russia.

DR. LOTERNSER: The question is not permissable. The opinion is asked here of a witness which does not concern itself with military matters.

CAPTAIN TUBRIDY: Let us put it this way. Would a person in high military command who had information that Russia was about to attack advise Hitler not to wage war against Russia.

THE WITNESS: That could be very easily. There are two cases. If somebody wants to attack me, I know there are two ways, either I took a defensive position and waited for the attack or I, in order to head off the attack myself would stagea preventive attack. It depends upon your nerves and temperment as to what solution is used. Hitler might have decided not to use Keitel's advise, which I consider very sane, and order a preventive attack on Russia anyhow and to that extent he gave us the orders concerning the attack on Russia. If I had been in the place of Keitel in charge of the armed forces staff, then I too would have advised against an attack.

H0968-0039

BY COLONEL POTROVSKY:

Q I am very thankful to the commissioner for the question he asked which interested us all, but I want to ask one more question in that connection. From the statements of the defense, one can draw the conclusion that every campaign actually is an defensive or preventive campaign and this can be explained through temperment and that somebody decided to prepare for a war. Did I understand the witness correctly?

A I stated yesterday that already the difference between a preventive campaign and an aggressive campaign. An aggressive war is an attack upon a country that is not armed and is living in peace. In the case of two nations which are armed and prepared for war, it is a question of whether it is a preventive war by one side or the other. I am very sorry but I cannot add anything to these statements.

Q Is there any difference if there is an agreement between the two countries you are talking about?

A That is a political matter about which I cannot say.

Q I am asking you from a military point of view, would you call such a war a preventive war.

A If the other country bears arms and prepares itself for an attack on my country, then this agreement has been broken actually.

Q Do you know, or do you have any information, which would lead you to believe that Russia had broken the agreement which was in effect between Germany and Russia?

A I only can say that we were told by Hitler that Russia was preparing an attack on us. That is all I know.

Q I do not ask you concerning the political statements of

H0968-0040

of Hitler. I asked you concerning military facts.

A I do not know any other military statement, except the statement by Hitler that Russia was preparing an attack on Germany and we were told to prepare for war against Russia. I want to point out that I was in the west at that time. I do not know what happened in the east during the year 1940

Q I am satisfied with the answer of the witness and I am very grateful for it. I am of the opinion that the witness has answered my question. There is only one last group of questions.

The witness stated yesterday that ~~through~~ to the disgust and dismay of Mr. Sauckel you did not carry out Hitler's order in the deportation of French workers. Is that correct?

A The employment of workers from France was not a deportation, but a hiring of workers. These recruited persons were supposed to be brought together or routed through the aid of troops and then sent to Germany. That is the military commander in France and I informed our Commander in Chief West we are opposed to the use of troops in this recruitment of labor. The reason for this was that the young fellows recruited for labor in Germany, upon there was a certain amount of pressure brought by the Frence Government, would take the first available opportunity either in trains or collection groups then to stray around the country. That is something we could not use in the military.

Q I am very sorry to interrupt the witness, but I am interested in a different aspect. I am interested in the following sentence independantly from the fact that you refused to cooperate. Is that correct?

H0968-0041

A We repeatedly reported to the OKW that we did not have the troops for this also that we did not approve of this forceful deportation for the reasons I have already given. Then came the invasion and the whole thing died down.

Q Did you help Sauckel or did you not?

A No, we did not and did not want to.

Q Even though it was an order of Hitler's?

A Yes.

Q You stated previously that the commisar and commando decrees were also sabotaged by you?

A Yes.

Q I am not quite clear on the fact that you stated that the military commands carried out the orders they received from their commander in chief and their superior officers and you also stated that you swore or took an oath that you would carry out the orders of the state, no matter who was at the head of the state, but according to the statements that you have made now the Generals only carried out the orders on which they agreed. In other words, you do not say that you carried out all the orders which were handed to you, but only those on which it was agreed.

CAPTAIN TUBRIDY: I think this point has been covered before by prior examination.

COLONEL POTROVSKY: I thank you. I am finished.

CAPTAIN TUBRIDY: Does the French prosecution want to ask any questions?

CAPTAIN QUATRE: Yes.

H0968 - 0042

CAPTAIN TUBRIDY: Can you give us an estimate of how much time you will require?

CAPTAIN QUATRE: About one and one half hours.

CAPTAIN TUBRIDY: We will take a short recess.

-o-o-o-o-o-o-o-o-o-o-o-o-o-

H0968 - 0043

DR. LATERNSER: In order to avoid any error in the matter I should like to clarify one point. Referring to a question asked by the Russian Prosecutor, the witness speaks of a conditional surrender of Warsaw. I believe that he must have meant unconditional surrender.

CAPTAIN TUBRIDY: Yes, I think that is right.

WITNESS: I wish to inform the Interpreter that it was translated as unconditional in English but the word "conditional surrender" was the German.

CAPTAIN TUBRIDY: We will see that the record is corrected accordingly.

BY DR. LATERNSER:

Q Can you give me the exact time as to when you received a command position in Belgium and in France?

A As far as the authority of commander is concerned in connection with the police, politics, economics and business with the Prefect I had no command authority, My sole authority of command was in case an attack was made on my area by the police. As far as peace and order in the country was concerned I also was not a competent person, but there was one for France and a second one for Belgium.

Q When were you Commander West in France? Please give the exact time?

A After the armistice I remained Commander in

H0968 - 0044

Chief of the Army in France and in 1940 I became Commander in Chief West and remained such until April 1941. Then I was transferred to Russia and in the middle of March, 1942, I returned to France, and was again made Commander in Chief West, and I remained until July 1st, 1944, when I retired.

Q What were the abbreviations for Commander in Chief West?

A Capital "O", Capital "B" and Capital "W".

Q Who was xxxxxx your direct superior when you were OBW ?

A I was immediately subordinate to the OKW Commander in Chief and not to the Commander in Chief of the OKH, even though at that time Hitler represented both.

Q To whom were the police organizations in France subordinate who were not subordinate to you?

A The military commanders in Belgium, France and Northern France were also immediately subordinate to the OKW and their police organs directly subordinate to Himmler.

Q Was there any complete operation between the xx troops under your command and the troops who were to sustain order and peace?

A My troops were only employed for operations as I already mentioned, and they were stationed at the coast

H0968 - 0045

or close to it, and the military commanders had under their command police troops, so-called security troops responsible for peace and order, and besides these they had so-called Landwehr formations, and below that the police formations and also police batallions.

Q And these two authorities had no direct connection with one another?

A Which authorities do you mean?

Q The troops under your command and the troops under subordinate military commanders?

A No, but only sometimes we later asked or begged the military commanders to lend us some of his police troops, because ~~xxxxxxxxxxxxxxxxxx~~ only of a regulation army troops were allowed to help in the coastal defense.

Q Can you please explain the meaning of the words Hauptoerbindrungstab?

A Hauptoerbindrungstal can only refer to a SS and police formation. It is no military formation.

Q Don't you rather believe that this could refer to a command headquarters carrying out administrative work, and to whom these troops are given as police security formations?

A I am sorry. I cannot give any information. I do not know.

H0968-0046

Q You testified yesterday that the SS were only under your command from a purely technical standpoint?

A I had no penal or legal jurisdiction over the SS troops, just as in a sense I did not over the air force or navy troops.

Q Yesterday you testified that the armored divisions called Das Reich was not under your command, and at that time this division was being moved from Southern France up to the North?

A At that time when the SS armored division was in Southern France it was under the command of the OKW and when this division was moved it was upon my request under my command but only in tactical questions. At the time the Oradour affair took place this division was on the March northward in the direction of Normandy.

Q Do you know General Brodowski?

A I have known General Brodowski since before the war, and as far as I know he was at that time in Southern France Field Commander subordinate to the Military Commander.

XXXXXXX

Q I shall submit document F 287 to you from the war diary of General Brodowski and an extract from the 1 January, 1944. Brodowski was at that time Chief of the Field Headquarters 588, which later on became [redacted] staff 588.

H0968 - 0047

The entry of 7 June, 1944, shows Commander in Chief West 1*A of 1-C, 368844 secret. The entry says the development of the situation in the central district required during the last few days and hours the immediate and inconsiderate attack of large forces.

For this purpose the military commander in France is xx being given for its command effective immediately, the 16th Reserve Corps of the General Commando L with 198 reserve division and 2 SS armored divisions with all available formations, as well as the second SS tank division is to be led into this area of Tuelle Limoges. After arriving in this sector the division will receive further orders from General Commander xxxxxxxxx L-16344. This order was issued by your General Staff?

A Yes

Q You witness ordered that these two SS armored divisions were to be employed in the Area of Tuelle Limoges rhat had formerly been under the Command of the Commander West?

A Yes

Q I conclude from this that it was left to your discretion to employ SS divisions xxxxxxxxxxx whenever you wanted to?

A The OKW had been asked for a long time and in very threatening terms to place at our disposal troops

H0968 - 0048

and particularly for combating the resistance movement, for this purpose only and only to be used within this area. They were not, for example, to be allowed to be drawn out of France and Belgium. They were to combat our larger resistance groups because our own forces were not in a position to do so and Petain's help also was no longer sufficient, but only for this purpose were we able to use them. They were not allowed for example to remove them to Paris or to the xxxxx coast. They had to remain in this area.

Q Contrary to what you said previously it seems that this second armored division which was to proceed to Normandy was employed in this area of Rxx Limgoes?

A This division was drawn up into Normandy and had been stationed, as far as I remember, in the area of Toulon, and the division had to fight it's way up North and had been employed up there a matter of days in time but I don't know the time exactly.

Q This order is dated the 6th or 7th of June. On the other hand, the excesses that took place in Oradour occurred on the 10th of June. Oradour is in the vicinity of Tuelle Limoges, a few miles distant from Limoges. They admitted that as soon as you had given the order this unit went into a definite area in order to take part in the combat there?

H0968 - 0049

A Yes

Q If you will turn to the first few pages of the war diary you may be able to explain to us the making of the order?

A I can't find the place.

Q Is this proof that not only officers of the Wehrmacht, but also officers of the SS and SD and foreign troops belonged to this organization also? To whom was the Commandant subordinate?

A I don't know. I can't think. A special military commander for Southern France had been installed but I don't know any particulars about it.

Q Do you mean to say that these units were subordinate to a Commander who in turn was subordinate to the Military Commander?

A I don't know. I can't give any information on this point.

Q Will you please turn to the war diary entry of the 3rd of June 1944? This refers to order issued by the Commander in the Army group in the south of France, saying that Brodowski is responsible for the planning and carrying out of this order. To whom was the army group "Southern" subordinate?

H0968 - 0050

A The Army Group Southern France was under the command of Colonel General Blaskowitz who was under the command of the Commander in Chief West and that is myself.

Q The order issued by you was then passed on by Blaskowitz to Brodowski?

A Blaskowitz was responsible for maintaining order in this sector, and as a result handed that order to Brodowski .

Q Did the cleaning up actions in this local area start under your command or the local commander or were they carried out according to the directives that were issued from higher authorities?

A All instructions were issued by the OKW upon the order of Hitler and in this connection a general directive was issued concerning the combating of these units of partisans in March or April of that year. This order was submitted to me when I returned from my leave but I must be quite frank in stating I do not remember what the details of it were. If detailed information concerning this order is required my chief of general staff at that time, [redacted], who is also here, may be able to give information on this matter.

H0968-0051

Q Do you know that three days later more than one thousand people in Toule were handed over to the SD and 120 male persons were hanged?

A I don't know anything about this? At any rate no report ~~xx~~ ever reached us concerning this.

Q These are not individual incidents but incidents that took place and increased?

A The German retreat from Belgium and France shows such incidents to have occurred frequently and have had nothing to do with pure ware fare. If these incidents did occur it is very regrettable that they did occur during these German retreats but I cannot give any information because since the 1st of July I no longer was Commander.

Q Do you agree with us then that the destruction of Oradour and the unjustified burning down was absolutely contrary to the laws of war?

A Yes, I am, and, therefore, application was made for a legal procedure.

Q We shall now turn to a different topic. If I understood you correctly you testified yesterday that the Officers of the General Staff kept from participating in politics between the years that elapsed between the two wars, is that correct?

A Yes

H0968-0052

Q This order shows that the authority of command of the occupying powers is to be reinstated, and that the partisans are to be combated with all available methods. In the entry under the 6th of June, 1944, it says concerning the order for the appeasement actions in the town of Cantal, and surrounding districts:

"I have been ordered to re-instate as soon as possible the authority of the occupying powers in the town of Cantal, and it's bordering districts, and to combat and destroy the partisans found there with all means."

A Yes, unfortunately, this was necessary and could not be avoided.

Q Do you know what the result was?

A That the illegal incident of Oradour had nothing to do with military warfare as we know it and was an exception.

Q You agree then with the Prosecutor that these incidents were carried on in violation of the rules of warfare by killing defenseless old men, women and children?

A Yes, I do, and for this reason the OKW immediately demanded that legal inquiries be made of the Commanding Officer of this SS Corps.

H0968-0053

Q Did the officers frequently mention the Versailles Treaty?

A As far as the Versailles Treaty was concerned the hope and wish was frequently expressed by the officers that Germany would be placed on an equal footing with the other nations as far as armament was concerned, and these thoughts were expressed and these endeavors were carried on during the Weimar Republic and ~~xxxx~~ at Geneva we did ndt bear any thought of revenge. We only wanted to be placed on an equal footing with the other nations and also wanted to have the portion of the occupied Rhineland evacuated.

Q You mean that attempts were made to regain lost equality by means of a purely pacifist measure and by ~~xxxx~~ diplomatic means?

A That is what the political regime and officers of the Reich tried to attain.

Q At any time did the officers and especially the officers of the General Staff try during these years that elapsed between the two wars, and especially in 1933, to find ways and means to moderate that treaty?

A No.

Q Did you ever hear the name of Captain Lohman mentioned?

A I do not know him.

H0968-0054

Q Did you ever hear the name of an another officer, Captain Schussler? I now refer to Exhibit P 156, USA 41, and this concerns the secret pamphlet published in 1937 and written by Captain Schussler, entitled "The Battle of the Navy Against Versailles from the years 1919 to 1935."

A I do not know the booklet.

Q Please turn to the preface, to the index of this booklet and you will immediately upon seeing them notice the spirit in which this pamphlet was written. In the third paragraph of this preface it says:

"This booklet is further to shed more light on the merits of those than who without always being known by a larger circle have always placed themselves gladly into the service of the battle against the peace agreement. They have in doing so, borne by the highest sense of duty, especially in the beginning of this battle, thrown duty, position and person into the scales for the tasks that they themselves partly pledged themselves to carry out."

The index of this booklet shows very clearly the spirit of the book, doesn't it?

First of all the question was to fight against the execution of the Treaty of Versailles. Further, this booklet treats of the independent re-armament measure

H0968-0055

unknown to the Reich Government and its legislative bodies and especially the enterprise undertaken by Captain Lohman. Captain Lohman participated in the armistice convention. He was an officer on the General Staff of the Navy. On page 26 it says: And here it says that "Lohman promised Mueller, who was the Commander of the Cruiser Emden that he would assist him in the fighting of conditions set by tne entente, and in the re-armament and re-construction of his fatherland."

We see in Lohman a system that fought solely against the conditions of the Versailles agreement. On page 21 it says that it followed that he got in touch with the Admiral Canares, who was later Admiral, and that it was possible for him, especially in France, to carry out secrets that would be profitable for the re-armament.

Do you agree with the Prosecutor that such actions violated the agreement of the Treaty of Versailles?

DR. LATERNSER: I should like to object. First of all the question is a legal question and in the second place the whole affair concerns the so-called Captain Lohman, who is not known to this witness, and who has nothing to do with the General Staff of the OKW, as it has been indicted here, and, therefore, I do not see how this matter has any connection with the point that we are discussing.

H0968-0056

CAPTAIN TUBRIDY: I quite agree with the ~~French~~ (Defense) Counsel in that we are going a bit far afield and the ground has been covered to the extent that the witness has indicated he was for re-armament

BY MR. QUATRE:

Q Do you know that such secret actions and endeavors were not only carried out by the officers of the Navy but also by the officers of the General Staff of the Army, or that they at least found their help and approval?

A I never belonged to the Central office of the General Staff. I was always only attached to the troop headquarters, and I cannot give any information.

Q Do you know General Thomas?

A Yes, that armored division was in Africa.

Q I do not believe they are one and the same person.

A I do not know any other.

Q This is General George Thomas.

A I do not know him.

Q Do you know General Wurzbacher?

A No.

Q Do you know General Ludwig?

A No.

Q What command did you have in 1924?

A In 1924 I was Chief of the General Staff of the Service Command II in Stettin.

H0968-0057

Q Were you in touch with the Ministry of Defense in Berlin at this time?

A No, we only received our orders from General Seecht Commander in Chief of the army. We had nothing to do with the Ministry of Defense, as the old Ministry of War was called.

Q Do you know of an office in Berlin called "Heereswaffenamt? "

A Yes, there was such an office up to the outbreak of war.

Q What was the purpose of this Heereswaffenamt, of this armed forces offices?

A I believe this office was concerned with the supplying of arms, artillery and also inventions. I am no technician, however, and don't know anything about this.

Q And was this office concerned exclusively with securing arms and did it concern itself with re-armament?

A I believe so. I don't know what else it would have to do.

Q Did you know that this armed force office had the same mission for the Army as Captain Lohmann did for the Navy?

A No, I don't know that.

H0968-0058

Q Was the work carried on by this office secret and was this work specialized or concerning itself only with officers? I shall now submit ~~xxxx~~ Document USA 253, PS, here on page 17 there is a passage from a statement by General Thomas: On page 17 it says:

"When the long list of violations against the Versailles treaty was presented to Reich Chancellor Bruning in Paris the entente was not in the position to ~~xxxxx~~ bring a single proof of armed and economic preparations. In view of the widely branched circles of personalities concerned, this fact formed a beautiful proof of the serious sense of duty and national self-discipline for all cooperators, including also those ~~xx~~ workers who inside their factories, behind wooden partitions, knew how to work and how to keep quiet."

Com A
Take 4, page 17
Cook
1530 - 1700
20 June 1946
Von Rundstedt

H0968-0059

The foregoing is a true and correct transcript of the testimony of KURTH VON RUNDSTEDT, taken on the 20 June 1946

Rose W Cook
Reporter (pp 42-57

Liliani A. Ahrens
Reporter (p 1-13)

Mabel A. Lessel
Reporter (p 14-28)

Alice Mahon
Reporter (p 15-40)

CERTIFIED TO:

Joseph Pucheu
Commissioner

Commissioner

H0968-0060

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4, OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

20 June 1946

(The Commission convened at 10:15 hours.)

COMMISSIONER:

Capt. Joseph Tubridy

O.K.W.

FIELD MARSHAL VON RUNDSTEDT, the witness, took the stand and testified as follows:

CROSS EXAMINATION - Resumed

CAPT. TUBRIDY: The witness is reminded that he is still under oath.

WITNESS: Yes.

BY DR. KEMPNER:

Q I want to come back to the question concerning the oath. If I understood you correctly yesterday, you stated that before 1914, that is, the year 1892 or during that time, you made an oath to the King of Prussia, but in 1919, an oath to Mr. Eber, and later on to the Field Marshal Von Hindenburg. After that, you made an oath to Adolf Hitler.

A Yes, four oaths all together.

Q I now repeat this oath to you, and I want to ask youif youdid not make this mistake in your statements, that youdid not give an oath to Eber and Hindenburg personally, but to the German Republic.

A It could be that I made a mistake there.

Q And I will ask you whether, after that period, Hitler ordered that a personal oath be taken to him. To make this clear, I will now read this oath to you, the oath of the Reichswehr which yougave after 1918 is as follows. I quote the Reichs Federal Register, 1919, pge 1928. Would you please read this oath and tell me if that is the correct oath?

A Should I read it aloud?

Q Yes, please.

A "I swear that I will conduct myself as a brave and honorable soldier and will give my whole power to the defense of the German Reich and my

H0968-0061

home state at any time and at any place, and to defend the Government by the people and that I will obey my superiors."

Q Is that right?

A Yes.

Q After Hitler's rise to power, you made another oath, and at that time the Reich President, Von Hindenburg, was still alive. I ask you now, if this oath is correct. It is taken from the German Federal Register, 1933, page 1017. Would you please read that oath aloud?

A "I swear by God this holy oath that I will serve my people and country truthfully and readily as a brave and obedient soldier, and will be at any time ready to give my life for this oath."

Q Is that right?

A I have to add something to this. I can remember still on whose side the former oath of the old German Kaiser was because at that time, as an adjutant, I gave this oath to many recruits and these two oaths I remembered through reading this register. May I add something.

Q Please.

A You stated before that the oath to Hitlerwas given while President Von Hindenburg was still alive. That is not the case. That is not true.

Q That is a mistake on our part.

A May I continue?

Q Please do.

A When Hindenburg died, I was in Obersdorf, on a furlough, and was ordered to Tannenberg for the funeral. After the funeral I returned to Obersdorf. Later on I was sworn in by Col. Gen. Von Fritsch personally, and at that time von Hindenburg was already dead.

Q I am coming to this point now. The two oaths which you have just read mention the Republic, and did not mention the Chief of State, did it?

A No, not according to the wording of this oath.

Q And now we come to the oath which you gave after the death of Hindenburg. I now present this oath to you and ask you if this is correct. Was this the oath?

A "I swear by God this holy oath that I will give absolute obedience

H0968-0062

to the leader of the German Reich and people, Adolf Hitler, the Commander in Chief of the Army, and that I will, as a brave soldier, be ready to give my life."

Yes, that was the oath that was given by the German Army.

Q Isn't it correct that through this personal oath Hitler wanted to chain the Army closer to him?

A Yes, one could conclude that from this oath.

Q Did he have a special reason for this?

A I think that you can look for the reason of this oath in the Roehm Putsch in 1934 which almost removed Hitler from power. He was looking for a group which would be true to him and that was the Army because it is well known that the Army was true to its oath.

H0968-0063

Q Then I come to a new paragraph. Would you please to try to set yourself back to the time of the August days of 1939, when Hitler made this speech at Obersalzberg. That was on 22 August 1939. You were there personally during that speech?

A Yes.

Q Who were the other generals that were there with you?

A If I remember correctly, there was the Commander in Chief of the Army Group North, the Commander in the West at that time was General Von Ley, also our chiefs of staff -- mine was General Mannstein -- and the various other officers. Then there was also present Goering with his usual company, the then Foreign Minister Ribbentrop who was supposed to leave immediately for Moscow.

Q In other words, the gentlemen were the commanders in chief of the Army with their staffs. Is that right? Was that the group as such or were there any others present? I am only interested in the military, I don't care about Ribbentrop and so on.

A There were the three commanders in chief for the East and one for the West.

Q Were Halder, Brauchitsch and Blaskowitz there?

A I don't remember. Halder and Brauchitsch possibly, but Blaskowitz definitely not.

Q In other words, it really was the higher military authorities?

A I don't want to use that term when speaking of this group of men, but there were the various commanders who met there; there were the various field officers who were supposed to be in charge of this Eastern campaign.

Q Isn't it true that these gentlemen were there for the very reason that they had these ranks and were being prepared for this campaign?

A These men that were there were in more or less prominent jobs. That is, any Army group commander which might have been designated for the job would have been present. If I, for instance, would have been sick, my deputy would have gone there to represent me. One other reason for our going there was that we went to discuss the latest map plans concerning this Eastern campaign with Hitler. May I add something to this?

Q Yes.

H0968-0064

A I want to state that at that time I was an inactive officer and had only been recalled for the Polish campaign. At that time, therefore, I was not the Commander in Chief of the Berlin headquarters, but it was under General von Bock.

Q The group about which we are now arguing -- I use the word group because of the following differences --if I understood you correctly, you mean to say that these groups were not made up of names, but they were composed by men because of their duties. In other words, no matter who they were, if their duties enclosed this campaign, they were there. For instance, if General von Rundstedt was sick, it was his representative who represented him on this campaign. Am I correct?

A I mean to say that in this meeting there were 5 Army groups. Group 1 -- Berlin; Group 2 -- Kassel, which was later moved to Frankfurt; Group 3 -- Dresden; Group --- Leipzig; And Group 5, Vienna. These commanders for General von List and Veneral Von Reichenau were not present while I, an outsider, had been called in for a particular job. That is, as far as I remember they were not present.

Q Isn't it correct that these individuals, or these groups of individuals, worked on the plans which had been ordered by the leaders at that time?

A No, this order concerning this campaign which went from the Fuehrer at that time was worked out by the commanders in chief of the armed forces, General von Brauchitsch and General von Reichenau and we, as group commanders, received our instructions and active zones from these but only so far as it concerned sectors in which we were interested. According to the orders which we Army group commanders received, we gave out the orders to the individual armies that were under our command. During this conference, all this was told the Fuehrer again.

Q I want to ask you a question about a concert. Did you ever go to a concert?

A Yes, often.

Q Isn't it the same idea as a concert, one plays the violin, one the piano, and still others play different instruments, but they all have to get

H0968-0065

together under the director. Isn't it the same with the Army?

A If we want to go into concerts, it would be about the same. You had one man directing, and that was the Fuehrer. Under him was a second director who just used the same movements as the first director, the Commander in Chief of the armed forces, and under him were his instruments, 4 violins playing, each playing a different note. Therefore, you would not have various instruments, but the same instrument.

If you add, for instance, the airforce to it, then you would have a third instrument, a cello, and the Navy, a trombone, but you would not have more than 3 different instruments.

Q Concerning something else, something which you said. You said once that until the preparations of the French campaign, Adolf Hitler had never messed into the preparations of these campaigns. Is that correct?

A I want to state that I expressed this differently. I said that Hitler did not intrude upon my plans. That is, he did not, for instance, tell me to move this division to a different spot, a spot other than the one I had designated, as he did later on, I am sorry to say. If he messed into the affairs of the unhappy commander in chief of the armed forces, that I don't know.

H0968-0066

Q Isn't it true that until a certain time Hitler had very great respect for the Army leaders and knew that the people were able ?

A It could be but I think there is a deeper reason. I believe that from the people surrounding him he was talked to so often that after that he considered himself the greatest field commander and then decided that he would do everything.

Q But I am asking you a question concerning the year 1939. You admit, don't you, that at that time, Hitler still considered the Army leaders as being very able?

A I stated that that was correct.

Q In other words he knew at that time that the men with the red stripes were able and knew that he could not mess into their affairs, is that right?

A Yes, that is correct.

Q Did it change later on?

A Yes, it changed in the winter of 1941 when he became commander in chief of the armed forces personally.

Q That was after the beginning of the Russian campaign?

A That was during the crisis of the heavy winter in December, 1941. May I add something concerning Hitler's massing into our affairs?

Q Please.

A For instance, during the western campaign in France, Hitler stopped my armored division of my army group and the result of that was that the British were able to escape from Dunkirk. That was a very big mistake of a commander. He stated that the reason for this was that in the second phase of the French campaign that is the driving South of France, that he did not want to wreck these armored divisions needlessly. How angry we leaders were at that time is indescribable.

Q In other words, I want to ask you now, a historical question. If it would have been without Hitler and if it was under your leadership, the Army Commanders, you would be in England by no

H0968-0067

A No, I would like to state that but I am sorry I cannot say that. I think it would have been completely impossible to land or to invade England. We did not have the ships, we did not have the necessary trained men for the necessary loading, and then there was no German fleet or ships that could compare with the British fleet. In addition to that, our airforce was much too weak. No, an invasion of England would never have succeeded. The main point was that in order to drive towards England, first the French had to be beaten, which still, at that time, had not been done.

Q Isn't it true, do you agree with me as I have stated it, that if it had not been for Hitler, you gentlemen would have made out one hundred times better later on?

A I want to say that if England had lost its field Army at that time, England would have finished the war and the peace, the peace following, would have been on a basis that would have been more favorable to us.

Q In other words, Hitler lost the war, is that right?

A In the German papers, I am sorry to say it is written differently now.

Q But you believe that I am correct with my statement? Does that conform with yours?

A Yes, on the whole I agree.

Q I now want to deal shortly with the famous Barbarosa meeting. That was the second conference of the military and the political leaders, is that correct?

A It was the same thing again. That is, receiving orders as it was the first time. It was a briefing of the commanders, and the air commanders were present, also the Army group commanders, but I don't think that the Navy commanders were present at that time.

Q Witness, please don't misunderstand what I am going to say now. I want to say this beforehand. We are here in a scientific conversation concerning certain matters. I am here as an American prosecutor, however, I want for a moment to take the part

H0968-0068

of a German General Staff Officer as far as I can. Please don't misunderstand me, but I am amazed to hear that the higher leaders and the Army commanders only received orders. Don't you want to change that a little bit? Don't you want to add a little bit to it instead of leaving it the way it is? The way it looks now it seems that all these gentlemen were puppets.

A It is not the least bit different from the old times, the times of the Kaiser. We, the Army command, were only the second step. The orders came from the Army supreme command above which was the Kaiser and they were passed down to us and we, of the lower commands, distributed them to the men amongst us.

If there were some other opinions or some other proposals than those opinions or proposals which existed during the time of the Kaiser, which at that time was in the hands of the chief of Staff, and during Hitler's time it was in the hands of the Supreme Commander of the Army, but never in the hands of an Army Group Commander. If you want to put it that way, a little harsh, the men under Kaiser, at that time, were the same kind of order receivers as we were under Hitler. Something that the Kaiser would not have done but that Hitler later did was to give direct orders to the regular Army.

Q In other words, after what you have told me today, I have to change my opinion of the German General Officer Staff to such a way that the Commanding General was a sort of letter carrier Is that what you want to say, or is that only concerning the political side of the question?

H0968-0069

A I have to leave the opinion to the Prosecutor. I don't see anything shameful -- any actions of us generals as soldiers. We did our duty, and whether or not you want to consider us as letter carriers, that remains up to you.

Q Was that also the fact with the political situation or was it only concerning your own work?

A The political situation was no business of the Army Commander. The Army officer or the Army man only did what he was told by his superior officers Whether these duties were small or large depended on the rank of the man, but they were all basically the same. I believe it is the same thing in every Army of the world, because I cannot think of any Army existing under any other conditions.

Q Didn't Hitler orient the Army leaders in regard to the political situation before the Polish campaign?

A Hitler made these political statements every time he issued these orders to the General Staff without giving us a chance to check on these statements or to scrutinize them closely. Whether or not he was just giving u a briefing I don't know. The same thing was done, as you may know, when the Kaiser, in 1914, before the beginning of the war, stated that the countries forced him to enter the war. The Kaiser spoke from the balcony to the German people, while Hitler used other means.

Q When the Russian campaign started, you were Commander in Chief of the Army group South, is that correct?

A Yes.

Q You stated you were an order receiver?

A Yes.

Q How long did this last, in the case Barbarosa, and also in Berchtesgaden? How long did you personally speak with the Fuehrer, you, the Commander of the Army Group South?

A Concerning the Polish campaign, the discussion was in Berchtesgaden, and concerning the Russian campaign, it was in the headquarters near Berlin.

Q Was it not in the Reichs Chancellery that he talked to you concerning this?

H0968-0070

A I believe that it was this bomb proof headquarters near Berlin, near Wuensdorf.

Q How long did it last with you? I believe it started at 1100 in the morning and the Silver Fox matter was discussed?

A What is the Silver Fox?

Q That is the name of an operation with which you did not have anything to do.

A The discussion concerning my leadership of the Army group according to the orders I received from the Supreme Commander of the Army only lasted a few minutes.

Q You made a speech as you had intended to do, didn't you?

A Yes. I showed him on a map, that I had this and this duty and I was going to do it in such a way, this army is going to do this, and this army is going to do that.

Q Who, of the other gentlemen, were with you at that time when you made this speech?

A I don't know whether this was the first or second discussion. I know that at one time I was there with all my army commanders. That was the time when this terrible commissar order was issued, and if I remember correctly, the other Army commanders also showed their duties of their corps on this map.

Q In other words, you showed him how a thing like this was supposed to be done. Did he give you any orders concerning this?

A Hitler did not ask any questions, however I stated two questions. One of them was that between the Army group Rundstedt and the Army group Bock there was a hole of almost 100 kilometers. That was the area of the Rocketno swamps which were supposed to be impassable for troops. I stated, at that time, that from the experience I had in the East in the last war, that it would be possible to operate in the Rocketno swamps if we had artillery like the Russians had. I therefore proposed that some troops be posted through these swamps. That was one position.

The second question was concerning the fact that it was well known that powerful Soviet forces were facing the Carpathian mountains near Hungary. All these troops had to do was to make a right face or start marching and they would

H0968-0071

head right into my right flank of my center Army. I proposed to at least let a few divisions march from Hungary over to the Carpathian mountains.

Q In other words, you told them what you considered right?

A A completion of the plans in the presence of the commanders of the Army staff is more appropriate.

Q I want to say something here. I found in the files of the general staff a note that you were at this conference for two hours. That is, from 1200 to 1400.

A If you knew Hitler, you would know that if you discussed any military matters with him, right in the middle of your discussion he would start talking about the proposed considerations for a new armored car. He would get off on an altogether different topic, but the actual discussion only lasted a few minutes.

Q Did he approve of your suggestions?

A No. That was impossible because not enough forces were available, and because the Hungarians were later found out to be only very weak supporting forces. What

H0968-0072

I did then, through radio deception, was to have an Army march into the Carpathian Mountains. On the other hand, the Russian Army, which was in the Rockynto swamps, did give me quite a bit of difficulty.

Q I have only two more questions to this topics. In other words, let's go back to this point. If Hitler did not agree with your suggestions, you considered it imperative that you carry them out yourself?

A Only if the Supreme Commander of the Army agreed and if the forces were available. I never could have changed the plan of operation.

Q In other words, I do not want to use the bad word here again, the technicians, the people who made these plans and proposalswere indispensable to the point that without them Hitler could not have done anything?

A Yes, that is why every President, why every chief of State has his armies and their general staff.

Q One last question concerning this theme. You knew theField Marshals Blaskowitz, Brauchitsch and Halder for many years? Are these men honest men, and if they say anything under oath, do they keep their oath?

A That is certain.

Q Thank you.

A I know that there is a statement, I believe Halder and Blaskowitz furnished statements, but they contained the wrong idea.

Q I have no further questions on this topic. May I say that I have only a very short time, and if you think that after the recess I could continue on thewar crimes situation, then I would suggest that we recess now?

CAPT. TUBRIDY: Very well, we will recess for 10 minutes.

(A recess was taken).

Q I now come to a very unfortunate chapter and I want to discuss that with you in the same scientific manner that I discussed the previous questions. On the 18th and 19th of October the famous orders concerning the Commandos were issued. Do you know of these?

A Yes, In October 1942, after the Dieppe matter.

Q In talking about these orders I refer to 498-PS and 503-PS and I am now giving you photostatic copies of these two documents.

(Documents handed to Witness).

You remember that you received these in October of 1942. Am I correct?

H0968-0073

A Yes, that is when the orders arrived.

Q Did you carry out these orders, that is, to hand these people over to the SD, or not?

A There was a quiet kind of sabotage and none of these people, as far as I know, were ever handed over to the SD; and because after the action Sarc of which I spoke yesterday, there was hardly any further commando activity.

Q In other words you sabotaged the matter and didn't do anything?

A Yes, quietly and in connection even with the SD in France, which worked loyally there. I might add that shortly before the invasion we requested that this order be rescinded. Especially concerning paratroopers the question was there whether or not a paratrooper who lands far behind the lines and destroys andelectrical station, whether he is a commando or not because these actions could be very important or have a very great effect in military matters.

Q Did you receive an answer to that?

A The result was a new Fuehrer order which, if I remember correctly, contained a map giving certain border lines in back of which the men were to be considered commando troops while in the other sector they were to be considered fighting troops.

Q And then you were answered that "No, the commandos and where considered fighting troops, concerning special battery headquarters, field headquarters, and so on.

Q But principally it was the same.

A Yes, it probably was.

Q I believe I have here in this Exhibit, it is USA Exhibit 551.

(Document handed to witness)

Now I have another question, which is a conscience question. How do you connect this what you call "sabotage" with the oath you gave to Hitler. I really would like to know the connection of this.

A I stated yesterday already that we could have better results by more or less quietly sabotaging this order than by a direct protest. Maybe sabotage is the wrong word. I don't see any violation of oath; if you want to take it very strictly, then perhaps a question of disobedience and whereupon fines or punishments could be applied which he had threatened to do.

H0968-0074

Q Did you tellthe higher authorities that you were ... going to carry this out, or did you say you were going to carry it out, or didn't you tell them anything?

A I did not have to tell them anything. These authorities were Army Leaders. I personally wasCommander-West and was not obliged to tellthem anything, but so far as we learned through other channels, these people were

H0968-0075

of the very same opinion, down to the very troops.

Q Under #4 of the last document that I have presented to you, I unfortunately read the following: "Commander-in-Chief West has to report on this daily."

A Then eviedently an erroneous report was made every day for we were given no such orders to report. This matter of handing over reports and reporting was not my concern; that was the concern of my staff. I should have heard probably if such people had been apprehended.

Q Now I have unfortunately found another thing here. I refer to Document #531 and I quote the first sentence in German: "Reference the Fuehrer's Order. Subject: Treatment of Commando Men. The treatment of enemy commando groups has so far been carried out according to the order referred to." Headquarters maintains that you did carry out this commando affair. Is that correct or not?

A I should like to re-state what I already stated yesterday, that the Commando order applied to the whole of Europe, Italy too, and I can only repeat that I do not remember any such case of Commando Order being carried out in my Command West.

Q But this document does not refer to Europe but to your Command Sector, (Document handed to witness.)

A It probably was, as I already said. On the whole nothing was carried out but things may have happened here and there. On the whole the order was sabotaged. In case you wish to draw any conclusions here it would perhaps be advisable to interrogate my Chief of Staff, Blumentritt, who is also here in prison. I want to say that I did not really concern myself with everything and I am quite open when I say that I did not concern myself with this but of course I do take the responsibility.

Q Do you mean to say that you assume the responsibility even if, let us say, 100 csuch cases occurred in your Sector?

A If any cases occurred it could only be a matter of two or three.

Q But in case we can prove that several hundred took place?

A I should put my life at your disposal.

Q Thank you. That is all.

H0968-0076

CAPTAIN TUBRIDY: Does the Russian Prosecution wish to cross-examine?

COLONEL POKROVSKY: I should like to ask a few questions of the witness.

BY COLONEL POKROVSKY:

Q Yesterday you said that you were always surprised that Hitler was not skilled in the art of warfare. Is that correct?

A I was not surprised for where was he supposed to have learned this?

Q Do you mean to say that JOdl and Keitel were sufficiently instructed as to the art of warfare?

A Yes.

Q Would it be correct for me to assume that Jodl and Keitel had had better training in the art of warfare than Hitler?

A Yes.

Q Are you aware of the fact that Jodl and Keitel declared on the witness stand that Hitler instructed them in the art of warfare?

A I should like to assume that this is a misunderstanding. I cannot believe that any educated officer of the General Staff is of such opinion.

Q I am of the witness's opinion. I just wanted to clarify this point. If I understood you correctly yesterday and if I have taken my notes down correctly, you said that the German Army always kept within the limits of the rules of warfare?

A I added to this statement that if any excesses and offences did take place, severe action was taken against the offenders and the filesof the military courts, which you gentlemen have at your disposal, will give you information on these matters.

Q Would you confirm that respect for the bravery and courage of the enemy was one of the highest laws of warfare?

A A chivalroud warfare with due respect to the enemy has alwqys been the correct thing in warfare as long as the world has existed.

Q Do you remember that there was a 60th Motorized Infantry Division within the German Army.

A If this is proved by documents it is probably correct. I do not know these hundreds of numerical divisions.

H0968-0077

Q If I am not mistaken you were stationed in the South when Germany attacked Soviet Russia?

A Don't you mean the 66th Division? The tank division of Kleist?

Q We will discuss the previous question later . Iwould like to ask another question of you now. Were you stationed in the South when the attack of Germany against Soviet Russia began?

A Yes, I was Commander-in-Chief of Army Group-South.

Q Do you remember that in this Army Group there was an infantry regiment, No. 203?

A No, I don't remember. Please bear in mind that I had under my command 4 armies, with so an so many divisions and regiments, and I

H0968-0078

can't bear all these numbers in mind. But if you show it to me on your documents, it is probably so.

Q. I realize that you had command of very many troops and regiments but I thought perhaps you remembered this one. I asked this particular question because yesterday you said that perhpas you had been mistaken for General von Reichenau.

(Witness handed document.)

I ask you to turn to pages 75 and 78, concerning the 60th Division and Infantry Regiement 203. These are extracts from a Note by Molotov. This document has already been presented to the Tribunal in evidence and been accepted as Exhibit USSR 51.

A. I repeat that this document is known to me from the material which has been presented here as testimony and evidence but I once more repeat, under oath, that I did not and could not have issued such an order as Commander-in-Chief of an Army Group. I was not issuing orders to Divisions or Regimental Commanders as such a Commander-in-Chief. This mine affair could only have taken place in the vicinity of Kiev where the 6th Army was stationed. I should be glad if the original documents could be presented to me.

Q. I beg your pardon, I forgot to read the extract. In Order 109 to Infantry Regiment 203, it says "The Commander-in-Chief of the Army, Field Marshal General von Rundstedt ordered that outside of the battle actions in order to preserve German blood, mines are to be searched by Russian prisoners of war and minefields are to be cleared by them. This also refers to German mines". The second extract is from an order to the 60th Motorized Infantry Division. The number of the document is 166/41 and in the document it says:"Russian soldiers and non-commissioned officers are very brave in battle, even when a single small unit would always go over to the assault. Therefore humane behavior conduct towards the prisoners of war is to be allowed." In this connection I should like to ask one further question of the witness.

DR. LATERNSER: I am sorry that I have to interfere but I should like to make a motion that the original documents be submitted to the witness because he as Commander of an Army Group cannot possibly remember all these orders in detail.

CAPTAIN TUBRIDY: Dr. Laternser, he was asked if he knew of these order. and I think the intent is now being made to refresh his recollection, to see if he does not know about them. They have not been presented to him in view of the fact that he did not know. Do you follow ?

DR. LATERNSER: The best way of refreshing the witness's memory would b by submitting the original documents to him.

COLONEL POKROVSKY: I should like to say why we are not submitting the originals of these documents which were captured by us. According to Article 21 of the Charter such documents may be submitted and we do not have Molotov' note with us in the original because we did not know they were to be presented here in the original.

CAPTAIN TUBRIDY: You may continue with the cross-examination. If you have a document there which you say is a copy of the original and the original has been put in evidence, you may submit the duplicate on cross-examinati You can ask the witness if the knows about it and attempt to refresh his recollection with it. I don't see how his recollection can be any better refreshed with an original than it would with a duplicate.

COLONEL POKROVSKY: Thank you. I shall continue the cross-examination.

BY COLONEL POKROVSKY:

Q. I should like to ask another question in this connection. I think you will knowof this for it is an order by Hitler himself. This is also an extract from Molotov's note. The order, issued by the OKW in the name of Hitler on the 2nd of January, runs as follows:

"Any indulgence and any consideration towards prisoners of war is to be punished severely."

Do you remember this order ?

A. I connot remember this order and do not remember this order because in January of that year I retired and handed my command over to someone else. This order is of February 1942. Referring again to the previous question, I should like to state that this order was issued by the Commander-in-Chief of an Army. I was Commander-in-Chief of an Army Group and no military offic would have issued an order in the wording as quoted here by the Prosecution. I would know just as little of it, because I was not concerned with any matters dealing with this Group, just as little as I was dealing with affairs of the 6th Army Group.

H0968-0079

H0968-0080

I should like to beg you not to ask me any questions pertaining to the time after my retirement because I am not able to give any information concerning that period.

Q. Do you remember the instructions issued by the General Staff concerning the fact that prisoners of war were to be treated hamanely ?

A. I do not know that any special instructions as to this were issued because this is a matter of fact.

Q. The German General Staff issued these instructions in the year 1902 and these instructions may be found in a book called "Customs of war in Army Warfare". Do you know of this book ?

A. No.

Q Is it new to you that prisoners of war have to be treated humanely?

A I already stated yesterday that in the German Military Service Regulations the instructions concerning the treatment of prisoners of war aslaid down by the Red Cross wereprinted and that all our officers, recruit officers, and so on, were particularly instructed as to the treatment which prisoners of war were to receive.

Q Would you not say that theorder of which we have just spoken is in contradiction to the Military Service Regulations of which you have just spoken?

A Which Order is referred to?

Q The Order which says that all humane behavior concerning prisoners of war is to be reproved and reproached.

A This is absolutely inadmissible and contridictory to any usage if such a thing was stated in that order.

Q I assume that this question has been settled now. If I am not mistaken, soldiers and officers of the Propaganda Company were counted as soldiers and officers of the Army. Is that correct?

A What do you mean by Propaganda Company?

Q I refer to companies that were under the immddiate command of Jodl and Jodl was Chief of Propaganda in the OKW.

A In that case they would have to be counted as army soldiers. I thought you referred to information about Mr. Goebbels.

Q We do not care to know who commanded these tropps and how these troops were administrated. We should like to know whether these troops were considered as army troops or not.

A Unfortunately I cannot give any information about this. It would be better to ask Mr. Jodl.

Q Jodl has already been interrogated on this point and he has given his testimony but it is important to know if such a company existed within the OKW.

A I am not able to give any information at all concerning the organization of the OKW because I do not know this.

Q We will not pass to another question. When did you first learn of the fact that Soviet Commissars and Political leaders were to be exterminated or annihilated? This refers to Document 884-PS.

H0968-0081

H0968-0082

A May I see the document?

(Document is handed to witness)

As far as the document is c ncerned it is not an Order but a notice of a lecture of theperson concerned as consultant in this matter. Concerning this order I testified in detail yesterday concerning the attitude and the objections and the execution or, let me say rather the "not-carrying out" of this order and I should like to ask you not to question me on this Commissar Order of theFuehrer again today unlessyou are going to submit a document which I mentioned and aside from which I cannot add anything else.

Q You are right when you say that you testified in detail yesterday concerning this order but I should like to draw your attention to one point of yourtestimony. Statements in your testimony yesterday were not quite exact and I should like to clarify them today. I explain this by the fact that you do not remember these orders in detail and for this purpose I should like to refresh your memory. You said yesterday that these measures were carried out as reprisal measures in answer to atrocities which the Soviet Commissar were alleged to have allowed to be carried out.

A I did not say one single word about this.

Q I should like to remind you that the Germans were even shown the photographs. Do you remember this? Hitler is supposed to have shown the generals photographs.

A No, I do not remember. That is not correct.

Q The matter can be checked up by reading the minutes of yesterday's testimony.

DR. LATERNSER: May I help? The testimnny that has just been quoted refers, as far as I remember, to the testimony witness gave concerning the Commando Order but not concerning the Commissar Order. I do not believe that I am mistaken.

A The Commissar Order of which we spoke yesterday was issued before the outbreak of the war and therefore it is impossible for any atrocities to have been committed by the Commissars at that time.

Q That is why I wanted to treat this question once more. The misunderstanding may have been caused by bad translation. I am particularly interested in the question because at the foot of the document there is a note by Jodl which says that this action has to be considered a reprisal

H0968-0083

draft after we had been told orally about this matter, is not known to me. It would, however, be interesting to know what the wording of such an order was, if it was issued. But even if it had been issuedin writing it would not have changed our attitude of objection towards it.

Q I am grateful to you for having confirmed that such instructions by Hitler did exist and shall explain whether written order existed or not. Do you remember the name of Franz Halder?

A Halder was Chief of the General Staff of the Army.

Q Do you remember the name of General Warlimont?

A Warlimont was at that time a young officer of Staff in OKW.

Q Do you remember the name of Kurt von Oesterreich.

A No, that name is not known to me.

Q I should like you to read Document USSR 341.

(Document is handed to witness.)

This document contains extracts from the testimony of Franz Halder. The document has been submitted to the Tribunal and accepted in evidence. Please read only the passages marked, in order to save time.

A Halder is supposed to have said that -- I don't know.

Q Did witness read the passage which I stated above was the Order and stated that "I wish these instructions to be carried out even if in the future no written instructions to this effect would be issued."
Will you now please turn to the extract of the testimony of General Warlimont who is known to you. Here again the same order is concerned about the destruction or extermination of Commissars. Hitler also added that he did not expect his officers to understand his orders but one thing that he did demand was absolute obedience. Here not the draft of a young consultant or young officer is concerned but the Order of Hitler. Is that correct?

A I only said that the photostat copy was the draft made by a young officer and not this. The heading says "Suggestion." I do admit that such remarks by Hitler as were just read were made by him at that conference, I do remember that exactly. And I dodremember exactly the Commissar Order and our objections to it.

Q Please look at the testimony given by General Kurt von Oesterreich, Page 5, USSR 151.

H0968-0084

(Document is handed to witness.)

Here the inhumane treatment of Soviet Prisoners of War is treated.

A I am sorry, this testimony also treats of the time after I left. I retired on December 1, 1941, and the incidents referred to here concern the winter of 1941-1942. I do not know how prisoners of war were treated at that time and cannot make any statements concerning them.

Q Perhaps von Oesterreich made a mistake concerning the time. He said that the conference had taken place in the OKW, saying that those prisoners of war who were unable to work were to be poisoned by the aid of doctors and he testified that he himself had seen how this was executed in the Ukraine. Do you know about this or not?

A No, I am not informed on this; as I stated yesterday, affairs of prisoners of war were the concern of the Armies of the rear lines and departments of the Reich. The Inspector of Prisoners of War at that time was a Graf von Schulenberg and Oesterreich must belong to a later time. The question of prisoners of war taken by the army at the front was treated by me yesterday. Also the question of transport and the question of starvation or hunger, which could unfortumately not be prevented. Once the prisoners of war were transported outside the Secotr of the Army, the Army no longer had anything to do with them but they fell under the jurisdiction of other authorities. This does not change the fact, however, that if the events depicted by von Oesterreich were true they were contrary to Regulations.

Q Do you know that the Chief of the OKW, Keitel, declared that the OKW was not responsible for conditions existing within the Stalags and that for all these matters of prisoner of war camps the Army Commanders were competent?

A I am not informed on this point and cannot give any information. I do know, however, that Stalags in Germany were under the command of the deputies of the Commanding Generals.

Q If I understood you correctly yesterday you testified that the Generals sabotaged the Commissar Order and the Commando Order because they were not in accord with these orders. Is that correct?

A Yes, that is correct.

Q Do you know that before the outbreak of war the officers issued instructions to their soldiers as to how the Commissar Order was to be carried out?

H0968-0085

was to be carried out?

A I do not know anything about this.

Q Will you please look at this document?

(Document is handed to witness.)

This document contains testimony of prisoners of war given to the Red Cross. In this testimony the officers state that before the outbreak of war they received instructions to be handed down concerning the treatment and the extermination of Soviet Commissars, treatment of Soviet prisoners of war, and that these prisoners themselves had seen how they were mal-treated.

A I cannot give any information. I can only say that I, as Commander of an Army Group, did not receive any such instructions that Soviet Commissars were to be executed. I do not know how the procedure was in the Armies.

(A recess was taken until 1400 hours.)

H0968-0086

measure.

(Document is handed to witness)

And as you said, it could not be a uestion of reprisal as no war had been started at that time. Jodl admitted that this note was written by him.

A I can only repeat that during the conference with the Fuehrer no mention was made of reprisals and in this document it only says "as reprisal against aviators has to be counted on." This document submitted here I should like to repeat once more is only a summary of a report and whether any written order, either by Hitler or the OKW, was ever issued as a final

H0968-0087

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(Document is handed to witness)

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A I can only repeat that during the conference with the Fuehrer no mention was made of reprisals and in this document it only says "as reprisal against aviators has to be counted on." This document submitted here I should like to repeat once more is only a summary of a report and whether any written order, either by Hitler or the OKW, was ever issued as a final

H0968-0088

(The Commission convened at 1400 hours).

CAPTAIN TUBRIDY: We can resume now.

BY COLONEL POTROVSKY:

Q. In order to finish the questions concerning the Prisoners of War, I want to ask two further questions on this matter. General Oesterreich stated that at the time General Rundstedt was in command, the Soviet Prisoners of War were marked with a certain mark ?

A. I do not know anything concerning this.

Q. Did you ever hear of such an order ?

A. No.

Q. Do you know of a directive concerning which the Soviet Prisoners of War to be fed less than other prisoners of War ?

A. No, I know nothing concerning this.

Q. Then I am going over to another series of questions. Did I understand the witness correctly yesterday when he stated he was responsible for the defense of that line which was from the Baltic Sea to the Danube ?

A. This line concerning which I talked about, which was after 1920, started up at the Baltic near Stettin and went along the Oder down to the mountains ranges of the Sudetenland, then to Passau on the Danube -- in other words entirely within Germany.

Q. Until what year were you in charge of this ?

A. Until the year 1935.

Q. In other words before the defensive wallwas built ?

A. Yes. that was only a frontier guard - only an advance post more or less.

Q. How many divisions were within this line of defense.

A. Three or four

Q. Were you informed as to what this defense system was before the beginning of the war ?

A. At that time, before the beginning of the war, there was a very weak defensive system along that border and a little more to the east, consisting mostly of small field fortifications. The line was from Pommerania to Silesia along the Rivers Warthe and Oder. That was the end of my area and anothe one started, which went through the Sudeten mountains down into Bavaria.

H0968-0089

Q. Will you advise as to how many divisions Germany had at the beginning of the war ?

A. There was a total of 36 divisions and after the annexation of the Sudetenland we added one or two more. In other words in 1938, we had about 38 divisions and in addition we had three or four armoured divisions and two motorized divisions. There were also some divisions in Austria, but I do not know how many. I cannot give any exact information. That is what I remember.

Q. In other words the witness admits that divisions were slowly being deployed to the Russian border ?

A. There is a mistake here. These defensive positions in the east were only manned by the troops of the divisions and army corps, which were stationed in that area. There was not a single soldier especially recruited to those defensive divisions.

Q. I don't want to know or to talk about why the divisions were there or what kind of divisions were used for the defense of this line to man this line, I want to derive from your statement that more and more divisions and troops were used for these defenses.

A. As I had stated yesterday, Adolf Hitler in the declaration of our sovereignty listed the number of divisions in the German Army as 36. It was to that number we built up the Germany slowly. After the occupation of the Sudetenland there were one or two more divisions added and after the occupation of Austria, there were one or two more added. The cavalry divisions which we were allowed to have under the Versailles Treaty were dissolved and changed to armoured divisions.

Q. The witness said that the number of divisions was large ?

A. Yes, a small number through the addition of these two countries- that is the Sudetenland and Austria.

Q. The witness admits that these calvary divisions were dissolved and that armored divisions were instituted in their place ?

A. Yes.

Q. If I am not mistaken, the witness stated yesterday that the action agai the Soviet Union was combined with the use of additional armored divisions ?

A. I stated yesterday that after the question of my defense lawyer as to the Russian campaign, I stated Russia had a large number of armored vehicles. I wanted to add that on the occasion of the Polish campaign a number

H0968-0090

of so-called reserve divisions were used and mobilized and even a larger number against France. When the Russian campaign started a larger

H0968-0091

number of divisions were used than the original 36. I hope that is clear.

Q I wrote down yesterday during the questioning that you stated a strong armored force was used on the attack on Russia. Do you want to change your statement now?

A I did not make a single statement yesterday concerning my own units which were used on the attack on Russia. I only answer a question of the defense lawyer concerning the Russian units that opposed us. I was not asked concerning what units were used on our side. I did not make a single statement I would like you to ask the defense lawyer if my opinion is correct.

Q I don't want to get into an argument concerning this point since it is very easy to check on the daily transcript, however, I would like to remind you in what connection this statement was made. The defense lawyer asked you yesterday in connection with the destruction of cities and the destruction of whole areas. The witness agreed yesterday that in the beginning the destructi by the Russians in their own territory was very small and only became stronger as the campaign went on. For instance in the case of the city of Saporoshje. Now, do you remember a lightning thrust of armored vehicles?

A I do not know what I am supposed to remember - a lightning thrust or flash of armored vehicles, where?

CAPTAIN TUBRIDY: Can you make your question more clear - give the place and date?

BY COLONEL POKROVSKY:

Q The witness stated yesterday that the fighting in the beginning against Russia was in a manner of fast armored thrusts.

A That is not correct. I stated that in the beginning the defense of the Russians was rather weak and increased only in strength with the advance into Russian territory. I did not say a single word about our armored units. That is a misunderstanding, otherwise, I would like to explain if necessary our first actions.

Q The defense lawyer was interested yesterday concerning the destructio of cities. I would like to add to these questions a few of my own.

Do you know of a directive of the OKW according to which all cities left by the German Army in retreat were to be destroyed, that is made like a desert and

H0968-0092

that even the houses of peaceful citizens and civilians or their stoves had to be blasted. Do you know that before the High Tribunal Jodl said he had knowledge of this order?

A What this directive was, I do not know. It must have been issued during the German retreat - that is after the winter of 1941 and 1942. It would have been clear insanity to destroy cities and blast stoves in homes during the advance when these houses and cities were in our own area. I left on September 1, 1941 and wish to state that up to then there had been no such directive.

Q The witness said yesterday that in 1938 Germany had a sufficient number of heavy artillery and that Germany only was lacking the manpower to use these heavy artillery pieces.

A That must be a mistake in the translation. I said that we had enough heavy artillery pieces for the heavy artillery.

Q What we are concerned about is that Germany had a sufficient number of heavy artillery pieces.

A For the number in the army at that time. As new divisions were formed and as time went by, as I explained before, of course new artillery pieces had to be constructed.

Q The witness stated that he was present in Berchtesgaden when the question of the German campaign against Poland was discussed?

A Yes.

Q Therefore you are informed of what conditions in the campaign against Poland were finished.

A The war against Poland had not even started at that time.

Q Do you know when and under what conditions the war against Poland was ended. What do you know about the conditions of capitulation in Warsaw in 1939. Do you know anything concerning this?

Q The battle for Warsaw, which was very hard and resulted in very heavy casualties on our side, was ended when after breaking through the defenses of the outskirts, the city was handed over to us by a Polish General and as far as the terms of capitulation of the entire Polish campaign was concerned, I believe there was some kind of an agreement between Germany and Russia as to the border

H0968-0093

lines which were drawn up which went through Litowsk, Przemystl and Westley and along some of the rivers, Sann, Bug, etc.

Q I am interested in the capitulation, the agreement. Tell me everything you know about it. Are you informed concerning this?

A The city of Warsaw fell, the Polish army were Prisoners of War. Some of the Poles were able to escape to Rumania and were demobilized there. There was an unconditional surrender about the same as Germany received at the end of this war, otherwise I do not know anything.

Q Do you know that according to Keitel's statements, he was against an attack of war against Russia and he went to Hitler to advise Hitler against such a campaign .

A I absolutely believe that Keitel just like the rest of us sincere generals were against war or an attack against Russia. Whether or not he protested to Hitler I do not know as at that time I was in France.

Q Do you consider General Von Paulus as a qualified man who is able as far as the arts of war are concerned ?

A General Von Paulus too was a chief of staff of the army in the Polish campaign under my order. In addition, at the beginning of the war, he was with the general staff of the army. I consider him a smart man who understanding something concerning military operations. Whether or not he was qualified as an army leader, I do not know as he was not an army leader at the time he was under me.

Q Do you know that Field Marshall Paulus denied that the war against Russia was a defensive or preventive war ?

Q I do not know that.

Q If you believe that if the chief of the general staff had correct information concerning the strength of his troops, do you believe that he would have given to Hitler this information and informed him concerning this.

A I cannot make any statements concerning this. It could be, however, that a Soviet attack was expected and he could have said, I will meet this Soviet attack and then defend myself.

Q I believe you misunderstood me, so I repeat. Keitel claims that he went to Hitler in order to advise him not to start a war against Russia. Would you say that if General Keitel had received, behing the lines, information that the Russians were bringing troops and material to the border in order to start an aggressive war, do you think that Keitel would have gone to Hitler and reported this.

CAPTAIN TUBRIDY : There are apparent assumptions in the question.

THE WITNESS : I would like to answer that.

H0968-0094

CAPTAIN TUBRIDY : There is not much value to a question which is more or less of a hypothetical nature. There doesn't appear to be anything here to show that such a thing occured.

COLONEL POTROVSKY : I give this question large importance because the defense lawyer interested himself yesterday concerning the character of the war against Russia and the witness answered to the questions of the defense lawyer and stated that it was his belief according to the information received through the Japanese Military attache in Berlin the German Supreme High Command that the war against Russia was of a preventive character. It seems important to me that this question be cleared up.

CAPTAIN TUBRIDY : Perhaps we can phrase the question so it won't be contingent on whether something had occurred or not. Would you ask the question again ?

COLONEL POTROVSKY : The witness stated yesterday that he was informed that Russia was preparing to attack Germany and that according to the information which Germany possessed Russia actually was contemplating such an attack. He stated that supposedly that information was received through the Japanese Military Attache in Berlin. Don't you think that it is strange that if Germany possessed such information concerning a proposed Russian attack that the chief of the OKW would not go to Hitler so as to advise him against an attack on Russia.

DR. LOTERNSER : The question is not permissable. The opinion is asked here of a witness which does not concern itself with military matters.

CAPTAIN TUBRIDY : Let us put it this way. Would a person in high military command who had information that Russia was about to attack advise Hitler not to wage war against Russia.

THE WITNESS : That could be very easily. There are two cases. If somebody wants to attack me, I know there are two ways, either I took a defensive position and waited for the attack or I, in order to head off the attack myself would stage a preventive attack. It depends upon your nerves and temperment as to what solution is used. Hitler might have decided not to use Keitel's advise, which I consider very sane, and order a preventive attack on Russia anyhow and to that extent he gave us the orders concerning the attac on Russia. If I had been in the place of Keitel in charge of the armed forces staff, then I too would have advised against an attack.

H0968-0095

H0968-0096

BY COLONEL POKROVSKY:

Q I am very thankful to the commissioner for the question he asked which interested us all, but I want to ask one more question in that connection. From the statements of the defense, one can draw the conclusion that every campaign actually is a defensive or preventive campaign and this can be explained through temperament and that somebody decided to prepare for a war. Did I understand the witness correctly?

A I stated yesterday that already the difference between a preventive campaign and an aggressive campaign. An aggressive war is an attack upon a country that is not armed and is living in peace. In the case of two nations which are armed and prepared for war, it is a question of whether it is a preventive war by one side or the other. I am very sorry but I cannot add anything to these statements.

Q Is there any difference if there is an agreement between the two countries you are talking about?

A That is a political matter about which I cannot say.

Q I am asking you from a military point of view, would you call such a war a preventive war.

A If the other country bears arms and prepares itself for an attack on my country, then this agreement has been broken actually.

Q Do you know, or do you have any information, which would lead you to believe that Russia had broken the agreement which was in effect between Germany and Russia?

A I can only say that we were told by Hitler that Russia was preparing an attack on us. That is all I know.

Q I do not ask you concerningthe political statements of Hitler. I asked you concerning military facts.

A I do not know any other military statement, except the statement by Hitler that Russia was preparing an attack on Germany and we were told to prepare for war against Russia. I want to point out that I was in the west at that time. I do not know what happened in the east during the year 1940.

Q I am satisfied with the answer of the witness and I am very grateful for it. I am of the opinion that the witness has answered my question. There is only one last group of questions.

H0968-0097

The witness stated yesterday that to the disgust and dismay of Mr. Sauckel you did not carry out Hitler's order in the deportation of French workers. Is that correct?

A The employment of workers from France was not a deportation, but a hiring of workers. These recruited persons were supposed to be brought together or routed through the aid of troops and then sent to Germany. That is the military commander in France and I informed our Commander in Chief West we are opposed to the use of troops in this recruitment of labor. The reason for this was that the young fellows recruited for labor in Germany, upon there was a certain amount of pressure brought by the French Government, would take the first available opportunity either in trains or collection groups then to stray around the country. That is something we could not use in the military

Q I am very sorry to interrupt the witness, but I am interested in a different aspect. I am interested in the following sentence independently from the fact that you refused to cooperate. Is that correct?

A We repeatedly reported to the OKW that we did not have the troops for this also that we did not approve of this forceful deportation for the reasons I have already given. Then came the invasion and the whole thing died down.

Q Did you help Sauckel or did you not?

A No, we did not and did not want to.

Q Even though it was an order of Hitler's?

A Yes.

Q You stated previously that the commissar and commando decrees were also sabotaged by you?

A Yes.

Q I am not quite clear on the fact that you stated that the military commands carried out the orders they received from their commander in chief and their superior officers and you also stated that you swore or took an oath that you would carry out the orders of the state, no matter who was at the head of the state, but according to the statements that you have made now the Generals only carried out the orders on which they agreed. In other words, you do not say that you carried out all the orders which were handed to you, but only those on which it was agreed.

H0968-0098

CAPTAIN TUBRIDY: I think this point has been covered before by prior examination.

COLONEL POKROVSKY: I thank you. I am finished.

CAPTAIN TUBRIDY: Does the French Prosecution want to ask any questions?

CAPTAIN QUATRE: Yes.

CAPTAIN TUBRIDY: Can you give us an estimate of how much timeyou will require?

CAPTAIN QUATRE; About one and one half hours.

CAPTAIN TUBRIDY: We will take a short recess.

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H0968-0099

DR. LATERNSER: In order to avoid any error in the matter I should like to clarify one point. Referring to a question asked by the Russian Prosecutor, the witness speaks of a conditional surrender of Warsaw. I believe that he must have meant unconditional surrender.

CAPTAIN TUBRIDY: Yes, I think that is right.

WITNESS: I wish to inform the Interpreter that it was translated as unconditional in English but the word "conditional surrender" was the German.

CAPTAIN TUBRIDY: We will see that the record is corrected accordingly.

BY DR. LATERNSER:

Q Can you give me the exact time as to when you received a command position in Belgium and in France?

A As far as the authority of commander is concerned in connection with the police, politics, economics and business with the Prefect I had no command authority. My sole authority of command was in case an attack was made on my area by the police. As far as peace and order in the country was concerned I also was not a competent person, but there was one for France and a second one for Belgium.

Q When were youCommander West in France? Please give the exact time?

A After the armistice I remained Commander in Chief of the Army in France and in 1940 I became Commander in Chief West and remained such until April 1941. Then I was transferred to Russia and in the middle of March, 1942, I returned to France, and was again made Commander in Chief West, and I remained until July 1st, 1944, when I retired.

Q What were the abbreviations for Commander in Chief West?

A Capital "O", Capital "B" and Capital "W".

Q Who was your direct superior when you were OBW?

A I was immediately subordinate to the OKW Commander in Chief and not to the Commander in Chief of the OKH, even though at that time Hitler represented both.

Q To whom were the police organizations in France subordinate who were not subordinate to you?

A The military commanders in Belgium, France and Northern France were also immediately subordinate to the OKW and their police organs directly

H0968-0100

subordinate to Himmler.

Q Was there any complete operation between the troops under your command and the troops who were to sustain order and peace?

A My troops were only employed for operations as I already mentioned, and they were stationed at the coast or close to it, and the military commanders had under their command police troops, so-called security troops responsible for peace and order, and besides these they had so-called Landwehr formations, and below that the police formations and also police batallions.

Q And these two authorities had no direct connection with one another?

A Which authorities do you mean?

Q Thetroops under your command and the troops under subordinate military commanders?

A No, but only sometimes we later asked or begged the military commanders to lend us some of his police troops, because of a regulation only army troops were allowed to help in the coastal defense.

Q Can you please explain the meaning of the wrds Hauptoerbindrungstab?

A Hauptoerbindrungstab can only refer to a SS and police formation. It is no military formation.

Q Don't you rather believe that this could refer to a command headquarters carrying out administrative work, and to whom these troops are given as police security formations?

A I am sorry. I cannot give any information. I do not know.

Q You testified yesterday that the SS were only under your command from a purely technical standpoint?

A I had no penal or legal jurisdiction over the SS troops, just as in a sense I did not over the air force or navy troops.

Q Yesterday you testified that the armored divisions called Das Reich was not under your command, and at that time this division was being moved from Southern France up to the North?

A At that time when the SS armored division was in Southern France it was under the command of the OKW and when this division was moved it was upon my request under my command but only in tactical questions. At the time the Oradour affair took place this division was on the March northward in the

H0968-0101

subordinate to Himmler.

Q Was there any complete operation between the troops under your command and the troops who were to sustain order and peace?

A My troops were only employed for operations as I already mentioned, and they were stationed at the coast or close to it, and the military commanders had under their command police troops, so-called security troops responsible for peace and order, and besides these they had so-called Landwehr formations, and below that the police formations and also police batallions.

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H0968-0102

direction of Normandy.

Q Do you know General Brodowski?

A I have known General Brodowski since before the war, and as far as I know he was at that time in Southern France Field Commander subordinate to the Military Commander.

Q I shall submit document F 287 to you from the war diary of General Brodowski and an extract from the 1 January, 1944. Brodowski was at that time Chief of the Field Headquarters 588, which later on became staff 588.

H0968-0103

The entry of 7 June, 1944, shows Commander in Chief West 1-A of 1-C, 368844 secret. The entry says the development of the situation in the central district required during the last few days and hours the immediate and inconsiderate attack of large forces.

For this purpose the military commander in France is being given for its command effective immediately, the 16th Reserve Corps of the General Commando L with 198 reserve divisions and 2 SS armored divisions with all available formations, as well as the second SS tank division is to be led into this area of Tuelle Limoges. After arriving in this sector the division will receive further orders from General Commander L-16344. This order was issued by your General Staff?

A Yes.

Q You witness ordered that these two SS armored divisions were to be employed in the Area of Tuelle Limoges what had formerly been under the Command of the Commander West?

A Yes.

Q I conclude from this that it was left to your discretion to employ SS divisions whenever you wanted to?

A The OKW had been asked for a long time and in very threatening terms to place at our disposal troops and particularly for combating the resistance movement, for this purpose only and only to be used within this area. They were not, for example, to be allowed to be drawn out of France and Belgium. They were to combat our larger resistance groups because our own forces were not in a position to do so and Petain's help also was no longer sufficient, but only for this purpose were we able to use them. They were not allowed, for example, to remove them to Paris or to the coast. They had to remain in this area

Q Contrary to what you said previously it seems that this second armored division which was to proceed to Normandy was employed in this area of Limoges?

A This division was drawn up into Normandy and had been stationed, as far as I remember, in the area of Toulon, and the division had to fight its way up North and had been employed up there a matter of days in time but I don't know the time exactly.

Q This order is dated the 6th or 7th of June. On the other hand, the excesses that took place in Oradour occurred on the 10th of June. Oradour is in

H0968-0104

the vicinity of Tuelle Limoges, a few miles distant from Limoges. They admitted that assoon as you had given this order this unit went into a definite area in order to take part in the combat there?

A Yes.

Q If you will turn to the first few pages of the war diary you may be able to explain to us the making of the order?

A I can't find the place.

Q Is this proof that not only officers of the Wehrmacht, but also officers of the SS and SD and foreign troops belonged to this organization also? To whom was the Commandant subordinate?

A I don't know. I can't think. A special military commander for Southern France had been installed but I don't know any particulars about it.

Q Do you mean to say that these units were subordinate to a Commander who in turn was subordinate to the Military Commander?

A I don't know. I can't give any information on this point.

Q Will you please turn to the war diary entry of the 3rd of June 1944? This refers to order issued by the Commander in the Army group in the South of France, saying that Brodowski is responsible for the planning and carrying out of this order. To whom was the army group "Southern" subordinate?

A The Army Group Southern France was under the command of Colonel General Blaskowitz who was under the command of the Commander in Chief West and that is myself.

Q The order issued by you was then passed on by Blaskowitz to Brodowski?

A Blaskowitz was responsible for maintaining order in this sector, and as aresult handed that order to Brodowski.

Q Did the cleaning up actions in this local area start under your command or the local commander, or were they carried out according to the directives that were issued from higher authorities?

A All instructions were issued by the OKW upon the order of Hitler and in this connection a general directive was issued concerning the combating of these units of partisans in March or April of that year. This order was submitted to me when I returned from my leave but I must be quite frank in stating I do not remember what the details of it were. If detailed information concerning this order is required my chief of general staff at that time, who is also here, may be able to give information on this matter.

Q This order shows that the authority or command of the occupying powers is to be reinstated, and that the partisans are to be combatted with all available methods. In the entry under the 6th of June, 1944, it says concerning the order for the appeasement actions in the town of Cantal, and surrounding districts:

"I have been ordered to re-instate as soon as possible the authority of the occupying powers in the town of Cantal, and it's bordering districts, and to combat and destroy the partisans found there with all means."

A Yes, unfortunately, this was necessary and could not be avoided.

Q Do you know what the result was?

A That the illegal incident of Oradour had nothing to do with military warfare as we know it and was an exception.

Q You agree then with the Prosecutor that these incidents were carried on in violation of the rules of warfare by killing defenseless old men, women and children?

A Yes, I do, and for this reason the OKW immediately demanded that legal inquiries be made of the Commanding Officer of this SS Corps.

Q Do you know that three days later more than one thousand people in Toule were handed over to the SD and 120 male persons were hanged?

A I don't know anything about this. At any rate no report ever reached us concerning this.

Q These are not individual incidents but incidents that took placand increased?

A The German retreat from Belgium and France shows such incidents to have occurredfrequently and have had nothing to do with pure war fare. If these incidents did occur it is very regrettable that they did occur during these German retreats but I cannot give any information because since the 1st of July I no longer was Commander.

Q Do you agree with us then that the destruction of Oradour and the unjustified burning down was absolutely contrary to thelaws of war?

A Yes, I am, and therefore, application was made for a legal procedure.

Q We shallnow turn to a different topic. If I understood you correctly, you testified yesterday that the Officers of the General Staff

H0968-0106

kept from participating in politics between the years that elapsed between the two wars, is that correct?

A Yes.

Q Did the officers frequently mention the Versailles Treaty?

A As far as the Versailles Treaty was concerned the hope and wish was frequently expressed by the officers that Germany would be placed on an equal footing with the other nations as far as armament was concerned, and these thoughts were expressed and these endeavors were carried on during the Weimar Republic and at Geneva we did not bear any thought of revenge. We only wanted to be placed on an equal footing with the other nations and also wanted to have the portion of the occupied Rhineland evacuated.

Q You mean that attempts weremade to regain lost equality by means of a purely pacifist measure and by diplomatic means?

A That is what the political regime and officers of the Reich tried to attain.

Q At any time did the officers and especially the officers of the General Staff try during these years that elapsed between the two wars, and especially in 1933, to find ways andmeans to moderate that treaty?

A No.

Q Did you ever hear the name of Captain Lohman mentioned?

A I do not know him.

H0968-0107

Q Did you ever hear the name of an author officer, Captain Schussler? I now refer to Exhibit P 156, USA 41, and this concerns the secret pamphlet published in 1937 and written by Captain Schussler, entitled "The Battle of the Navy Against Versailles from the years 1919 to 1935."

A I do not know the booklet.

Q Please turn to the preface, to the index of this booklet and you will immediately upon seeing them notice the spirit in which this pamphlet was written. In the third paragraph of this preface it says:

"This booklet is further to shed more light on the merits of those than who without always being known by a large circle have always placed themselves gladly into the service of the battle against the peace agreement. They have in doing so, borne by the highest sense of duty, especially in the beginning of this battle, thrown duty, position and person into the scales for the tasks that they themselves partly pledged themselves to carry out."

The index of this booklet shows very clearly the spirit of the book, doesn't it?

First of all the question was to fight against the execution of the Treaty of Versailles. Further, this booklet treats of the independent re-armament measure unknown to the Reich Government and its legislative bodies and especially the enterprise undertaken by Captain Lohman. Captain Lohman participated in the armistice convention. He was an officer on the General Staff of the Navy. On page 26 it says: And here it says that "Lohman promised Mueller, who was the Commander of the Cruiser Emden that he would assist him in the fighting of conditions set by the entente, and in the re-armament and re-construction of his fatherland."

We see in Lohman a system that fought solely against the conditions of the Versailles agreement. On page 21 it says that it followed that he got in touch with the Admiral Canaris, who was later Admiral, and that it was possible for him, especially in France, to carry out secrets that would be profitable for the re-armament.

Do you agree with the Prosecutor that such actions violated the agreement of the Treaty of Versailles?

H0968-0108

DR. LATERNSER: I should like to object. First of all the question is a legal question and in the second place the whole affair concerns the so-called Captain Lohman, who is not known to this witness, and who has nothing to do with the General Staff of the OKW, as it has been indicted here, and, therefore, I do not see how this matter has any connection with the point that we are discussing.

CAPTAIN TUBRIDY: I quite agree with the (Defense) Counsel in that we are going a bit far afield and the ground has been covered to the extent that the witness has indicated he was for re-armament.

BY MR. QUATRE:

Q Do you know that such secret actions and endeavors were not only carried out by the officers of the Navy but also by the officers of the General Staff of the Army, or that they at least found their help and approval?

A I never belonged to the Central office of the General Staff. I was always only attached to the troop headquarters, and I cannot give any information.

Q Do you know General Thomas?

A Yes, that armored division was in Africa.

Q I do not believe they are one and the same person.

A I do not know any other.

Q This is General George Thomas.

A I do not know him.

Q Do you know General Wurzbacher?

A No.

Q Do you know General Ludwig?

A No.

Q What command did you have in 1924?

A In 1924 I was Chief of the General Staff of the Service Command II in Stettin.